



NOTICE

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The original documents referenced in this file are available for inspection in the Office of the City Clerk, 215 Church Avenue, Room 456, Municipal Building, Roanoke, Virginia 24011.

To receive the City Council agenda (without reports) automatically via e-mail, contact the Office of the City Clerk at clerk@ci.roanoke.va.us or (540) 853-2541. The City Council agenda (with or without reports) for each meeting is available at www.ci.roanoke.va.us.

Mary F. Parker
City Clerk



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***August 20, 2001
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Kevin Smith, Pastor, Washington Heights Grace Brethren Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 23, 2001, at 7:00 p.m., and Saturday, August 25, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

PRESENTATIONS:

A RESOLUTION paying tribute to Carl H. Kopitzke upon his relinquishment of the Chair of the Mill Mountain Advisory Committee, and expressing to him the appreciation of this City and its people for his exemplary public service.

Proclamation declaring September 2001 as Native American Month.

Presentation of awards for Achievements in Financial Reporting.

2.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, July 16, 2001, the work session held on Monday, July 30, 2001, and the regular meeting held on Monday, August 6, 2001.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 Annual report of the Municipal Auditor for the fiscal year ended June 30, 2001.

RECOMMENDED ACTION: Receive and file.

- C-3 Annual report of Audit Committee for the fiscal year ended June 30, 2001.

RECOMMENDED ACTION: Receive and file.

- C-4 Qualification of the following persons:

Sheila N. Hartman as Assistant Deputy City Clerk, effective August 7, 2001;

Gail Burruss as a member of the Advisory Board of Human Development for a term ending November 30, 2004;

William C. Holland as a member of the Personnel and Employment Practices Commission for a term ending June 30, 2004; and

Evelyn F. Board as a member of the Human Services Committee for a term ending June 30, 2002.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

- a. Request of the Roanoke Arts Commission to discuss the Percent for Arts Program and Municipal Art in the City. Mark C. McConnel, Chair.
- b. Request to address Council on behalf of the 2001 Commonwealth Games of Virginia. Peter Lampman, President, Virginia Amateur Sports, Inc.
- c. Request to present information on efforts to preserve Read Mountain and for adoption of a resolution of support from the City of Roanoke. Ronald O. Crawford, Spokesperson.

4. PETITIONS AND COMMUNICATIONS:

- a. A communication from the Commonwealth's Attorney with regard to the Cost Collection Unit for fiscal year 2000-01.
- b. A communication from the Commonwealth's Attorney with regard to acceptance of funding for the Drug Prosecutor's Office; and a communication from the City Manager concurring in the recommendation.

- c. A communication from the Commonwealth's Attorney in connection with cash assets forfeited to the Roanoke Commonwealth Attorney's Office; and a communication from the City Manager concurring in the recommendation.
- d. A communication from the Roanoke City School Board requesting appropriation of funds for the Reading Excellence Act grants for Virginia Heights Elementary School and Westside Elementary School; and a report of the Director of Finance recommending that Council concur in the request.
- e. A communication from the Roanoke City School Board with regard to participating in the 2001 Interest Rate Subsidy Program Bond Sale - VPSA School Financing Bonds, Series 2001B, to be used for improvements at Fairview Elementary School and Fishburn Park Elementary School.
- f. A communication from David A. Bowers, Attorney, representing Roger Roberts of Diamond Point, Inc., requesting certain information with regard to the proposed expansion of The Roanoke Times manufacturing plant which is proposed for development behind his client's property located at 121 West Campbell Avenue.

5. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. A communication with regard to execution of the 2001-02 HOME Investment Partnerships Agreement with the Roanoke Redevelopment and Housing Authority.

2. A communication recommending acceptance of the bid submitted by Heitkamp, Inc., for remote television inspection of the old Roanoke River Interceptor Sewer.
3. A communication recommending that the City Manager be authorized to execute the 2001-02 Community Development Block Grant Agreement with the Roanoke Regional Chamber of Commerce.
4. A communication recommending acceptance of the Juvenile Accountability Block Grant Incentive Program.
5. A communication recommending approval of revised fees for use of City park facilities and services, effective September 1, 2001.
6. A communication recommending acceptance of bids submitted by Magic City Motor Corporation and J. W. Burress, Inc., for one cab/chassis and one hydraulic crane for the Parks and Recreation Department.
7. A communication in connection with funding for the Fifth District Employment and Training Consortium.
8. A communication in connection with acceptance of Library of Virginia Infopowering Grant funds for the purpose of purchasing four computers each for Raleigh Court and Williamson Road Branch Libraries.
9. A communication recommending acceptance of a certain Local Law Enforcement Block Grant from the United States Department of Justice, in the amount of \$140,859.00, with the City providing \$15,657.00 in local match.
10. A communication recommending that the City Manager be authorized to execute the Automatic Fire Aid Agreement with the City of Salem; and authorize notice of termination of the lease of the fire station located at 4810 Salem Turnpike, N. W. (Fire Station No. 12).

b. **DIRECTOR OF FINANCE:**

1. A report transmitting unaudited financial statements for the fiscal year ended June 30, 2001.

6. REPORTS OF COMMITTEES: NONE.

7. UNFINISHED BUSINESS: NONE.

8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

9. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

THE MEETING OF ROANOKE CITY COUNCIL WILL BE DECLARED IN RECESS TO BE RECONVENED AT 5:00 P.M., IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, FOR A JOINT MEETING OF ROANOKE CITY COUNCIL AND THE ROANOKE CITY SCHOOL BOARD.

FOLLOWING THE 5:00 P.M. SESSION OF COUNCIL AND THE SCHOOL BOARD, THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***August 20, 2001
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

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A. PUBLIC HEARINGS:

1. A joint public hearing by City Council and the City Planning Commission to consider the Vision 2001 Comprehensive Plan, City of Roanoke, dated August 3, 2001.
2. Public hearing on the question of rezoning that certain tract of land containing approximately 2.80 acres, more or less, located on Colonial Avenue, S. W., being a portion of a larger tract of land bearing Official Tax No. 1570101, from RS-2, Residential Single-family District, to C-2, General Commercial District. Darlene L. Burcham, City Manager.
3. Public hearing on the sale of City property on Colonial Avenue, S. W., to Carilion Health Systems (CHS, Inc.), containing approximately 2.80 acres, more or less, and being a portion of Official Tax No. 1570101, and a 50-foot easement for a term of five years across adjacent City-owned property located on Colonial Avenue, upon certain terms and conditions. Darlene L. Burcham, City Manager.
4. Public hearing on a request of Lee Hi Land Group that conditions on property located on the north side of Orange Avenue, N. E., one-quarter mile east of Granby Street, Official Tax No. 7140114, which was rezoned pursuant to Ordinance No. 33516-080497, be amended. Robert Copt, Managing Partner, Spokesperson.
5. Public hearing on the request of Larry Bly and Martin Hall that property located at 322 Bullitt Avenue, S. E., Official Tax No. 4013516, be rezoned from LM, Light Manufacturing District, to C-1, Office District. Eric R. Spencer, Attorney.
6. Public hearing on the request of Kayser Properties, LLC, that a portion of Old Thirlane Road, N. W., bounded on the west by I-581 and on the east by property bearing Official Tax No. 5420106, be permanently vacated, discontinued and closed. Jon Hager, Vice-President, Ventures, Ltd., Spokesperson.

7. Public hearing on the request of Newbern Properties, LP., that property located at the terminus of Tuckawana Circle, N. W., containing approximately 1.67 acre, Official Tax No. 6472003, be rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner. Jess Newbern, Spokesperson.
8. Public hearing on the issue of whether the Code of the City of Roanoke (1979), as amended, should be amended to prohibit the keeping of cattle, sheep, goats and swine in areas of the City not zoned for agricultural use, unless on a farm of five acres in size or larger. Darlene L. Burcham, City Manager.

B. OTHER HEARING OF CITIZENS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to Carl H. Kopitzke, upon his relinquishment of the chair of the Mill Mountain Advisory Committee, and expressing to him the appreciation of this City and its people for his exemplary public service.

WHEREAS, Mr. Kopitzke began his service as chair of the Committee, then known as the Mill Mountain Development Committee, in January 1986; and

WHEREAS, Mr. Kopitzke was a guiding force in the revitalization of the picnic and recreational areas on Mill Mountain; and

WHEREAS, Mr. Kopitzke led in efforts to dedicate the star overlook on Mill Mountain as the M. Carl Andrews Overlook; and

WHEREAS, Mr. Kopitzke led in the design and creation of the Mill Mountain Star Trail and had a hand in the design and location of the new Mill Mountain Discovery Center.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. City Council adopts this means of recognizing, commending and expressing appreciation for the many years of service rendered to the City of Roanoke and its people by Carl H. Kopitzke as a member and chair of the Mill Mountain Advisory Committee.

2. The City Clerk is directed to forward an attested copy of this Resolution to Mr. Carl H. Kopitzke.

ATTEST:

City Clerk.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

July 16, 2001

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 16, 2001, at 2:00, p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, and Mayor Ralph K. Smith--6.

**ABSENT: Council Member C. Nelson Harris-----
----1.**

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend James Beatty, Pastor, Bethel AME Church, Cave Spring.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

PRESENTATIONS:

TRAFFIC-COUNCIL-CHURCHES-DECEASED PERSONS:
The Mayor advised that on Sunday, July 1, 2001, 12 youth and two adults from Virginia Heights Baptist Church who were returning to Roanoke from a Christian youth camp in Myrtle Beach, South

Carolina, were involved in an accident; three youth remain in the hospital with serious and critical injuries; and Miss Jessika Lewis, a 13 year old youth who was critically injured in the accident, passed away on Friday, July 6, 2001.

Vice-Mayor Carder offered the following resolution expressing sympathy to the congregation of Virginia Heights Baptist Church, and to the family of Miss Jessika Lewis:

(#35457-071601) A RESOLUTION expressing sympathy to the congregation of Virginia Heights Baptist Church and their pastor, our fellow Council member, The Reverend C. Nelson Harris.

(For full text of Resolution, see Resolution Book No. 64.)

ACTION:

Mr. Carder moved the adoption of Resolution No. 35457-071601. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----
---6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

PROCLAMATIONS: The Mayor presented a Proclamation declaring Sunday, August 5, 2001, as National Kids Day.

(For full text, see proclamation on file in the City Clerk's Office.)

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a Closed Meeting to discuss appointment of a new Municipal Auditor.

COUNCIL-MUNICIPAL AUDITOR: A communication from Council Member William White, Sr., Chair, Audit Committee, requesting that Council convene in a Closed Meeting to discuss appointment of a new Municipal Auditor, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

ACTION:

Mr. White moved that Council concur in the request of Council Member White to convene in a Closed Meeting to discuss appointment of a new Municipal Auditor, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----
---6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

ZONING: A communication from Edward A. Natt, Attorney, representing Southside Development Company, with regard to rezoning a parcel of land containing 4.05 acres, more or less, designated as Official Tax No. 2280601, situate at the southeast terminus of Bean Street, N. W. (Tract III, Eden Park), from C-1,

Commercial District, to LM, Light Manufacturing District, was before Council.

He explained that the City Clerk discovered that the legal advertisement for the public hearing on July 16 was not published in The Roanoke Times; his client is under severe time guidelines and constraints; as a result of the newspaper's mistake, the matter would normally not be heard until the Council meeting on August 20 at 7:00 p.m.; however, his client requests that Council make an exception to its normal policy and authorize the matter to be advertised for public hearing at the regular meeting of Council to be held on Monday, August 6, 2001, at 2:00 p.m.

(For full text, see communication on file in the City Clerk's Office.)

ACTION:

Mr. White moved that Council concur in the request. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----
---6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

CITY PROPERTY-LEASES: A communication from the City Manager advising that following the request of the Specific Reading and Learning Difficulties Association (commonly referred to as Montessori School) to cancel its lease of property located at 3379 Colonial Avenue with the City of Roanoke, which request was granted, to be effective September 1, 2001, the City was contacted by a parents group, The New Vista Montessori School, which is interested in leasing a portion of the property for a similar purpose and have proposed a term of one year at \$3000; and in order to

consider a new lease, Council must hold a public hearing, was before the body.

The City Manager recommended that the City Clerk be authorized to advertise a public hearing for Monday, August 6, 2001, to consider entering into a new lease for the building and approximately 7.2 acres of real estate associated with property located at 3379 Colonial Avenue, S. W.

(For full text, see communication on file in the City Clerk's Office.)

ACTION:

Mr. White moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----
---6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

The City Manager presented copy of a communication from Jeffrey D. Krantz, representing New Vista Montessori School, advising that the terms of the lease are as follows:

One year with the request to renew year to year for an additional four years,

Annual lease fee of \$3,000.00, and

General upkeep and maintenance of property and grounds will be the responsibility of New Vista Montessori School.

OATHS OF OFFICE-ROANOKE ARTS COMMISSION-YOUTH-PENSIONS-COMMITTEES: The following reports of qualification

were before Council:

Sharon Hicks as a member of the Youth Services
Citizen Board for a term ending May 31, 2004;

George Kegley as a member of the Roanoke Arts
Commission for a term ending June 30, 2002; and

William E. Skeen as a member of the Board of
Trustees, City of Roanoke Pension Plan, for a term
ending June 30, 2005.

(See Oaths or Affirmations of Office on file in the City Clerk's
Office.)

ACTION:

Mr. White moved that the reports of qualification be received
and filed. The motion was seconded by Mr. Hudson and adopted
by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch,
Carder, and Mayor Smith-----
---6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS:

**HOUSING/AUTHORITY-TOTAL ACTION AGAINST
POVERTY-HABITAT FOR HUMANITY:** William Poe, representing
the Roanoke Regional Housing Network, presented copy of the 21st
Century Challenge to Eliminate Substandard Housing in the
Roanoke Valley report. He advised that the 21st Century Challenge
was first introduced to Roanoke in the fall season of 1999, and
since that time the committee, which is composed of

representatives of the Blue Ridge Housing Development Corporation, Total Action Against Poverty, Habitat for Humanity, City of Roanoke, Northwest Neighborhood Environmental Organization, Roanoke Redevelopment and Housing Authority and the Council of Community Services, developed the housing report. He stated that the challenge is to eliminate substandard housing in the City of Roanoke within ten years and Members of City Council are requested to accept that challenge. Over the past 18 months, he noted that 26 organizations have surveyed seven inner City neighborhoods, in order to provide a bench mark from which to build in view of the numerous opportunities to improve housing in the City of Roanoke. He stated that there is no justification for substandard housing in Roanoke City today because of existing resources; however those resources need to be better allocated, with a commitment to housing. He requested that Council accept the challenge and make a commitment to eliminate substandard housing which cannot be done by government alone, but requires the assistance of neighborhood organizations, churches, and for profit and not for profit groups. He stated that the recommendations contained in the 21st Century Report are broken down into three areas: legislative, administrative and funding as set forth in Volume I, Pages 1 - 11. Administratively, he noted that additional support is requested to make the Rental Compliance Program mandatory, that the City continue to provide the Vacant House Catalogue and create a loan pool of \$10 million for inner city housing projects and renovation by utilizing a combination of municipal bonds, a Roanoke Redevelopment and Housing Authority low interest bond issue and Community Development Block Grant funds as a loan loss reserve to entice lending institutions to re-establish a loan pool.

Elizabeth Middleton, Director of Community Development and Outreach, Total Action Against Poverty, advised that survey instruments were developed in the spring of 2000 by a partnership which included representatives of Roanoke City, the Northwest Neighborhood Environmental Organization, interns, and Total Action Against Poverty. She stated that surveys were conducted by individuals and representatives of community groups and more than 25 different community groups participated in the actual

survey taking. She referred to Volume I of the report which consists of information about each neighborhood, housing conditions, including color coded maps, and Volume II which provides a list of all vacant properties within the neighborhoods that were surveyed that offer opportunities for future development. She explained that the survey is accurate within plus or minus five per cent and is intended to serve as an overall snapshot of the conditions of housing within the City of Roanoke.

Theodore J. Edlich, Executive Director, Total Action Against Poverty, advised that over 50 per cent of housing in the downtown neighborhoods is in good condition; and one-fourth of all lots in inner city neighborhoods are vacant with approximately \$20,000.00 worth of infrastructure on each lot. He stated that only 142 structures were identified as boarded up buildings, which is a low number of houses where significant impact could be made, because each of those houses has a detrimental effect on the blocks and the neighborhoods in which they are located, and they depreciate the worth of housing and discourage additional housing. He noted that housing is also an economic development issue; there are approximately 1800 vacant lots and if a \$100,000.00 house is constructed on each of those lots, \$2 million of additional revenues would be generated to the City, and, based on the number of persons per household, there could be as many as 5000 additional persons which would help to increase the City's population to over the 100,000 mark at which point the City would become the beneficiary of other kinds of government resources. He noted that downtown housing will not happen in and of itself, but only if plans are developed and a commitment is made to make a difference, and it is believed that the neighborhoods, along with the entire community, are interested in targeting downtown neighborhoods in order to bring them up to a quality level. He referred to a communication from Dr. Anthony Stavola, Past President, Greater Raleigh Court Civic League, urging City leaders to use the 21st Century Report and recommendations, along with recommendations from the Roanoke Renaissance report, to

develop a strategy to revitalize inner city neighborhoods, to strengthen the rental inspection program effort, and to develop new programs to promote home ownership and incentives that will encourage new housing development while preserving older housing that is in sound condition.

There was discussion in regard to specific models used by other localities that could help the City of Roanoke to implement certain recommendations contained in the report; the proposed new research centre on South Jefferson Street which will attract persons to the area who will have a choice as to where they live in the Roanoke Valley which will involve sensitive issues that need to be addressed, along with construction of infill housing with the proper design specifications so that houses will be compatible with the character of the neighborhoods; some communities in the Commonwealth of Virginia have offered creative housing enticements to new teachers and law enforcement officers by identifying houses in need of renovation and making the housing available with low interest loans and/or grants to renovate the structures; with low interest loans and there is a need for commitment from the private sector to create market rate housing and to reclaim vacant lots.

Estelle H. McCadden, 2128 Mercer Avenue, N. W., representing the Presidents' Council of Neighborhood Organizations, encouraged citizens to insure that their neighborhoods are listed correctly in the housing report. She read a communication from the Presidents' Council advising that the report represents a comprehensive survey of housing conditions in inner city areas; neighborhood groups represented by the Presidents' Council have been at the forefront of the day to day battles to save Roanoke's neighborhoods; the vitality and growth of the City are linked to this effort and if these neighborhoods do not receive the attention and investment they need to build on efforts already underway, none of the City's efforts in economic development, parks improvements, or new facilities will be successful in the long term; and if the City is to provide the mix of housing options necessary to stabilize its population and to bring new residents to the community, these areas must be revitalized.

(See communication on file in the City Clerk's Office.)

Bob Caudle, 4231 Belford Street, S. W., advised that residents of the Greater Deyerle area believe that the entire City is their neighborhood and wish to offer their assistance as needed.

Mark Petersen, President, Southeast Action Forum, endorsed the recommendations contained in the housing report. He stated that he chose to live in the southeast quadrant of the City because it is an affordable area; however, many homes are rented to persons who have no vested interest in the house in which they reside, the property owner will do only the minimal amount of work that is necessary to keep the house in repair in order to comply with the housing code; however, the housing code does not go far enough to encourage the sale of the house to an individual who would be interested in relocating to the City of Roanoke. Second, he added that there is a problem with weed abatement and abandoned vehicles, which are issues that can be easily corrected if the current complaint system is eliminated; i.e: a neighbor calls the City to report overgrown lawns that need to be mowed or vehicles that need to be removed. He encouraged the City to move away from the current complaint system to a more proactive system by hiring additional code enforcement officers to focus on these types of complaints which will eliminate the need for reporting complaints by citizens, because many citizens are reluctant to report code violations for fear of retaliation from their neighbors. He called attention to the plight of elderly citizens who cannot afford to make improvements to their homes and suggested that they be given a six year real estate tax assessment deferment, which would enable them to pay the deferment in six years at a low interest loan and invest the money that would be used for the tax assessment for housing repairs.

Mr. Ern Reynolds, 2059 Westover Avenue, S. W., presented information on implementing a public/private partnership for older structures.

(See document entitled, “Gentrifying Our Aging Houses and Old Buildings” on file in the City Clerk’s Office.)

V. Lee Wolfe, 206 Rutherford Court, N. W., President, Gainsboro Neighborhood Alliance, endorsed the challenge to eliminate substandard housing in Roanoke City. She advised that residents and the decency of their home environment give balance and integrity to the City and to the entire Roanoke Valley; and strict and immediate adherence to the recommendations in the final report submitted by the Roanoke Regional Housing Network will meet the objectives of the Gainsboro Neighborhood Alliance, Valley Beautiful and her personal mission which is to save Roanoke City from further distraction and decline.

(See communication on file in the City Clerk’s Office.)

No other persons wishing to address Council, and there being no further questions or comments by Council Members, without objection, the Mayor advised that the 21st Century Report and remarks of speakers would be received and filed.

VITAL SIGNS-THE NEW CENTURY COUNCIL: Robert B. Manetta advised that in 1992, The New Century Council movement reviewed regional solutions to problems that multiple jurisdictions face, and the Vital Signs report was one of the projects that evolved from recommendations by a variety of components of The New Century Council study process. He introduced Priscilla Richardson, Communications and Marketing Consultant, to present findings contained in the Vital Signs report.

Ms. Richardson advised that in the early 1990's, more than 1,000 citizen volunteers participated in a visioning process which identified goals and strategies for an area encompassing more than 500,000 people in western Virginia, including the Counties of Allegheny, Bland, Botetourt, Craig, Floyd, Franklin, Giles, Montgomery, Pulaski, Roanoke, Smyth and Wythe and the Cities of Clifton Forge, Covington, Radford, Roanoke and Salem, which was officially designated as Virginia’s Technology Corridor in 1997 by the Virginia General Assembly. She further advised that a number

of regional projects grew from the original vision formulated by citizens of the region, one of the most prominent was the Vital Signs report. She stated that the project began in 1997 through numerous public meetings and discussions on indicators, or objective measures, which assess an area's environmental, social and economic health; and in 1998, the first data report, "Vital Signs: Community Indicators for the New Century Region", was published.

She advised that in 1999 a second report, "Toward Sustainability: Virginia's Technology Corridor in the 21st Century", was published, which provided a detailed discussion of sustainable development and analysis of new subjective data on perceptions of residents of their quality of life; and "Vital Signs: Sustainability Indicators for Virginia's Technology Corridor" is the third report published as a result of the project, which provides a background on the project, describes national and international sustainable development movements and connects Vital Signs with the initiative led by the Environmental Law Institute.

Ms. Richardson explained that according to analysis of the data in the Vital Signs report, Virginia's Technology Corridor has made only modest improvements in social, economic and environmental indicators over the past several years, despite the strong economy, and for this reason, the region needs to take bolder steps toward building a more sustainable society; and major findings of the report include:

The region comprises only 7.7 per cent of the population of Virginia (down from 8.2 per cent in 1990, which translates into less state legislative influence, but greater opportunity to build a sustainable society;

Pounds of solid waste per year per person increased to 1,758, still above the national average of 1600 pounds;

Total parks and recreational acres per 1,000 residents (1,297) remains well above the total for Virginia (291), but the region needs to take bolder steps to prevent the gradual erosion of agricultural land by urban sprawl;

Births to teenage girls (ages 15 - 17) declined in 1996 and 1997, but increased in 1998 and were down slightly in 1999;

Child abuse figures declined from 1998 to 1999, but remains above the rate per 1,000 children compared to Virginia;

Elder abuse figures remain higher than figures for Virginia;

Person-to-person and property crime rates remain under those of Virginia, but juvenile arrest rates are higher and increased since 1996;

Education, SOL scores have improved, but percentage of fully accredited schools remains below the percentage for the entire state;

Health indicators show improvements in pre-natal care; infant mortality rates are better than rates for Virginia, but increased from 1996 to 1998; accidental death rates have been falling, as have suicide rates, but suicide rates remain higher than those of the state; and

Economic indicators show growth in per capita income (but figures are still below the state and nation), slow employment growth compared to the state, and

educational levels (high school and college graduates lower than those of the state or nation).

In closing, Ms. Richardson advised that the report concludes with three recommendations for business, government and non-profit organizations; i.e.:

Participate in “education for sustainability” a task in which the news media is crucial to show the links among the environment, the economy and the community;

Keep, refine and use indicators of sustainability; and

Move the community toward sustainability by daily, organizational and individual action.

(See Vital Signs report on file in the City Clerk’s Office.)

There being no questions or comments, without objection by Council, the Mayor advised that the Vital Signs report and remarks of Ms. Richardson would be received and filed.

PETITIONS AND COMMUNICATIONS: None.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

WORKERS COMPENSATION-CITY EMPLOYEES: The City Manager submitted a communication advising that all employees of the City of Roanoke are covered by workers’ compensation as required by state law; the City of Roanoke is self-administered and self-insured for Workers’ Compensation; currently, the City

experiences approximately 400 new Workers' Compensation claims annually, and continues to administer some active claims from previous years, which involve significant amounts of paperwork and can be handled more efficiently by a company that deals with workers' compensation exclusively; and the Office of Risk Management initiated an evaluation process to determine the logic of employing a Workers' Compensation Third Party Administrator.

It was further advised that after submission of requests for proposals, non-binding on the part of the City, four Third Party Administrators were interviewed, with Landin, Inc., being the clear choice of all panel members; Landin proposes to administer all workers' compensation claims for the City for a fee comparable to that of hiring a workers' compensation specialist to replace the person who recently retired; Landin has offered the assurance that all injured City employees will receive quality service to speed their recovery; use of a Third Party Administrator should enable the Office of Risk Management to spend more time administering general liability and automobile liability claims; and these classes of claims have the greatest potential financial impact to have their outcomes affected by extra time and effort devoted to their investigation and administration.

The City Manager recommended that she be authorized to enter into a one year contract, with an option to renew for two additional one year periods by mutual agreement, with Landin, Inc., to perform Third Party Administrator functions for Workers' Compensation for the City of Roanoke, in an amount not to exceed \$40,000.00 per annum.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following resolution:

"A RESOLUTION authorizing the acceptance of a bid and execution of a contract with Landin, Inc., for the provision of services as a third party administrator for workers' compensation claims for the City upon certain terms and conditions, and rejecting all other bids received."

Mr. Carder moved the adoption of the resolution. The motion was seconded by Mr. Hudson.

There was discussion in regard to controlling costs; will private company encourage employees to return to work as soon as possible; will employees find themselves in a position where they will be dealing with a company over which the City has no control; there should be a clear understanding of budget complications; and Council Members should be provided with a summary of major contract provisions.

In view of the number of unanswered questions by Council Members, Mr. White moved that action on the report be tabled. The motion was seconded by Mr. Hudson and adopted.

Later during the meeting, Mr. Hudson moved that the matter be removed from the table. The motion was seconded by Mr. White and adopted, Council Member Wyatt abstained from voting.

The City Manager presented copy of the proposed contract with Landin, Inc., which provides for a flat fee of \$40,000.00. She advised that there is no financial incentive other than to manage the City's entire Worker's Compensation caseload, with a goal to assist the employee into the proper medical setting so that he or she can return to work as soon as possible. She explained that the reduction of one full time staff position, with salary and benefits, exceeded the \$40,000.00 contract fee with Landin, Inc.; Workmen's Compensation law provides that any company serving on the City's behalf should not release an employee to return to work until the employee is released by his or her personal physician; and the expertise that the City is seeking through the contract with Landin, Inc., is to insure that the City has proper medical case management. She called attention to a provision in the contract that provides for the agreement to be renewed for two successive

12 month periods unless there is 90 days advance notice to the contrary by the City.

The City Manager explained that the City of Roanoke is one of the few communities that continues to administer Worker's Compensation claims and inasmuch as the entire field has become more complex, it is not unusual for municipalities to seek outside expert assistance.

Ms. Wyatt referred to that portion of the contract which provides that court costs and fees, attorney fees, fees for under cover operatives and detectives, costs for professional expert testimony, opinions or advice, claims for medical examination fees, costs for reports from government agencies, certain medical and vocational rehabilitation costs, costs for printing and photocopying are not covered in the \$40,000.00 contract fee. She advised that such expenses can be costly items and inquired as to the responsible party for making the determination on when those services are necessary.

The City Manager advised that excluded costs are currently incurred by the City on occasion, outside of an analysis of the comparison costs of the staff position versus contract costs. She explained that excluded costs would be authorized by the City in advance and the contract would be clarified accordingly.

Mr. Hudson inquired if the City has written documentation from other jurisdictions that have used outside contractors; whereupon, the City Manager advised that she would respond to the question at a later date.

Mr. White called attention to the need for a provision in the contract which would require the City's approval on costs in excess of a certain dollar amount. Additionally, he stated that there is no non-discrimination provision in the proposed contract,

although he was of the understanding that Council intended for all contracts entered into by the City to contain a standard non-discrimination policy.

He also inquired as to the average of excluded costs incurred by the City over the past three years; whereupon, the City Manger advised that she would respond to the question at a later date.

The Director of Finance advised that in fiscal year 2000-01, the City spent \$1,050,000.00 on Worker's Compensation wages and medical claims, \$800,000.00 is budgeted in fiscal year 2001-02, and the types of costs under consideration are immaterial compared to that number.

In view of additional unanswered questions, Mr. Hudson moved that the matter be tabled until the next regular meeting of Council on Monday, August 6, 2001. The motion was seconded by Ms. Wyatt and adopted.

In response to a request by the City Manager for clarification of the types of information to be provided, Members of Council requested the following:

What safeguards are included in the contract to protect the City's interests in regard to excluded costs, and at what point would Landin, Inc., be required to obtain the City's approval for such expenses.

How will the new system benefit City employees?

A copy of the request for proposals which contains the scope of services.

There should be more communication between the City administration and Council Members on questions pertaining to agenda items prior to the Council meeting.

The proposed contract with Landin, Inc., and any other

contract entered into by the City, should contain a standard non-discrimination clause.

Copy of documentation from other jurisdictions of comparable size to Roanoke in regard to advantages of using outside contractors; and additional costs incurred in addressing workers' compensation claims.

There was discussion with regard to including the non-discrimination clause in all City contracts, in which Mr. White and Ms. Wyatt requested that the record reflect that they intend to vote against any City contract that does not include the non-discrimination clause.

GENERAL SERVICES-BUDGET-CITY INFORMATION SYSTEMS: The City Manager submitted a communication advising that the Management Services Fund provides organizational support services for photocopying, postage, printing and courier services; responsibility for Management Services currently lies with the Department of Management and Budget (DMB); however, DMB's approved strategic business plan reassigns the responsibilities of the Management Services Fund to other departments, as follows:

- Courier, mail processing and printing activities is reassigned to the Department of General Services; and**
- Photocopying is reassigned to the Department of Technology due to the impending convergence of photocopying and printer technology.**

The City Manager recommended that Council adopt a budget ordinance reallocating revenues and appropriations from the Management Services Fund to the Departments of General

Services and Technology.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35458-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, Water, Sewage, Civic Center, Department of Technology, Materials Control, Management Services, Fleet Management, and Risk Management Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION:

Mr. Carder moved the adoption of Ordinance No. 35458-071601. The motion was seconded by Mr. White and adopted by the following vote:

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----
---6.**

**NAYS: None-----
---0.**

(Council Member Harris was absent.)

BUDGET-PARKS AND RECREATION-CMERP: The City Manager submitted a communication advising that on October 2, 2001, Council concurred in funding recommendations for fiscal year 2000-01 Capital Maintenance and Equipment Replacement Program (CMERP); CMERP is used to fund equipment purchases, maintenance and other one-time priority purchases; the need has

been identified to resurface, repair and restripe various tennis and basketball courts for Parks and Grounds Maintenance; and by Council approval is required for appropriation of funds from CMERP in order to acquire services.

It was further advised that bids were requested after due and proper advertisement; three (3) bids were received and evaluated; and McNeil Asphalt Maintenance, Inc., was the low responsive and responsible bidder and meets the required specifications.

The City Manager recommended that \$99,900.00 be appropriated from prior fiscal year's CMERP to an account in the Capital Projects Fund entitled, "Repair, Restripe and Resurface Tennis/Basketball Courts"; and that the City Manager be authorized to accept the bid of McNeil Asphalt Maintenance, Inc., at a total cost of \$99,900.00; and reject all other bids received by the City.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35459-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION:

Mr. Hudson moved the adoption of Ordinance No. 35459-071601. The motion was seconded by Mr. Bestpitch.

Mr. White requested a list of projects included for funding from the Capital Maintenance and Equipment Replacement Program by location.

With regard to future reports, Mr. Bestpitch requested information identifying companies submitting bids, the amount of the bids, and the City Engineer's estimate of the project versus the actual low bid. He stated that it would be his preference to receive that level of detail on future projects.

Ordinance No. 35459-071601 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----
---6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

Mr. Carder offered the following emergency ordinance:

(#35460-071601) AN ORDINANCE accepting the bid of McNeil Asphalt Maintenance, Inc., to repair, resurface and restripe tennis and basketball courts for Parks and Grounds Maintenance, upon certain terms and conditions; and rejecting all other bids made for such items; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Carder moved the adoption of Ordinance No. 35460-071601. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----
---6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

POLICE DEPARTMENT-BUDGET-FIRE DEPARTMENT-EQUIPMENT: The City Manager submitted a communication advising that the City currently has 58 Keyboard Data Terminals (KDTs) that are in use in vehicles of the Police (54) and Fire Departments (4); KDTs are no longer in production by Motorola and replacement parts are no longer manufactured; advances in technology offer the City the opportunity to employ mobile computers that increase Police Officer safety and efficiency; evaluation of current technology and objectives set forth by the Public Safety Team caused the Panasonic CF28 to be the preferred mobile computer by the City of Roanoke; Roanoke City, Roanoke County, and the Town of Vinton participated in a Request For Quotation for mobile computers and required accessories; and vendors offering the Panasonic CF28, as well as vendors offering comparatively designed mobile computers, were invited to submit competitive bids.

It was further advised that eight bids were received and evaluated; the evaluation revealed that GTSI Corporation's bid of \$5,406.00 per mobile computer, mount, operating system software and extended warranty was the low bid; the Vehicle Radio Modem and Text Messenger required to operate the mobile computers were bid only by Motorola, Inc., at a price of \$3,097.00 per unit, at a total cost per unit of \$8,503.00; funding totaling \$340,120.00 is included in Account No. 013-052-9831-9203 for the purchase of 40 mobile computers and required components; and the remaining 18 units, totaling \$153,054.00, will be funded from the Department of Technology's prior years retained earnings fund.

The City Manager recommended that Council authorize acceptance of the bids of GTSI Corporation for the purchase of mobile computers, pursuant to details of the bid dated May 16, 2001; Motorola, Inc., for purchase of Vehicle Radio Modems and Text Messenger, pursuant to details of the bid dated May 16, 2001; reject all other bids received by the City; authorize the City Manager to execute all forms and agreements with GTSI Corporation and Motorola, Inc.; and

appropriate \$153,054.00 from Department of Technology Retained Earnings to Account No. 013-430-1602-9015.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35461-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Department of Technology Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION:

Mr. Carder moved the adoption of Ordinance No. 35461-071601. The motion was seconded by Mr. Hudson.

Ms. Wyatt expressed concern that the City has not engaged in long range planning to meet ever changing technology needs. She encouraged leasing as opposed to purchasing computers inasmuch as the technology changes at such a rapid pace.

Mr. White suggested that the matter of including line items in future fiscal year budgets for technology, vehicle replacement and other items be referred to the City Manager and to fiscal year 2002-03 budget study; whereupon, without objection by Council, the Mayor advised that the matter would be referred to the City Manager and to fiscal year 2002-03 budget study.

Ordinance No. 35461-071601 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

Mr. Carder offered the following resolution:

(#35462-071601) A RESOLUTION accepting the bid of GTSI Corporation for the purchase of mobile computers and accepting the bid of Motorola, Inc., for the purchase of vehicle radio modems and Text Messenger Software, upon certain terms and conditions, and awarding contracts therefor; authorizing the proper City officials to execute the requisite contracts for such items; and rejecting all other bids made to the City for the items.

(For full text of resolution, see Resolution Book No. 64.)

ACTION:

Mr. Carder moved the adoption of Resolution No. 35462-071601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

TRAFFIC-EQUIPMENT-STREETS AND ALLEYS: The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program for the prior year identified the need to replace two 2½ ton dump trucks, two 10 ton dump trucks and one 15 ton dump truck in the Streets and Traffic Department; bids were requested and eight bids were received; the lowest responsive and responsible bid submitted on all chassis was Magic City Motor Corporation, at a unit cost of \$36,540.00 for the 2½ ton chassis, \$45,333.00 for the 10 ton chassis and \$53,892.00 for the 15 ton chassis, for a total cost of \$217,638.00; the lowest responsive and responsible bid submitted on all dump bodies was Roanoke Welding Company, at a unit cost of \$3,895.00 for the 2½ ton dump body, \$4,465.00 for the 10 ton dump body and \$7,200.00 for the 15 ton dump body, for a total cost of \$23,920.00; and funding is available from the SunTrust Lease of Vehicle, Account No. 017-440-9851-9015.

The City Manager recommended that Council authorize award of

bids as above set forth, and issuance of purchase orders, in the total amount of \$241,558.00, and reject all other bids received by the City.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Bestpitch offered the following resolution:

(#35463-071601) A RESOLUTION accepting certain bids for the purchase of trucks and related equipment, upon certain terms and conditions, and rejecting all other bids made for such equipment.

(For full text of resolution, see Resolution Book No. 64.)

ACTION:

Mr. Bestpitch moved the adoption of Resolution No. 35463-071601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

POLICE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT-EQUIPMENT: The City Manager submitted a communication advising that the Roanoke City Police Department's new building at 348 West Campbell Avenue is nearing completion; funding for the building did not include exercise equipment for a fitness room on the second floor; the Roanoke Association Chapter of the Virginia Police Benevolent Association (PBA) has offered to donate \$20,000.00 toward purchase of exercise equipment, which is new equipment, including a treadmill for cardiovascular exercise, as well as free weights, benches, and protective pads for the floor; no restrictions will be imposed on the use of donated equipment by any Police Department employee, however, it is requested that a plaque be installed in the room to acknowledge the

donation; and Section 2-263, Code of the City of Roanoke (1979), as amended, requires action by Council to approve acceptance of gifts exceeding \$5,000.00 in value.

The City Manager recommended that Council authorize acceptance of exercise equipment, valued at \$20,000.00, from the Roanoke Association Chapter of the Virginia Police Benevolent Association, Inc., and express appreciation for said donation.

(For full text, see communication on file in the City Clerk’s Office.)

Mr. Hudson offered the following resolution:

(#35464-071601) A RESOLUTION authorizing the City Manager to accept the donation of exercise equipment, valued at \$20,000.00, for the Police Department’s new building from the Roanoke Association Chapter of the Virginia Police Benevolent Association, and expressing appreciation for the donation.

(For full text of resolution, see Resolution Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Resolution No. 35464-071601. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

BUDGET-GRANTS-TREES: The City Manager submitted a communication advising that City staff identified a \$10,000.00 Urban and Community Forestry Grant available to communities through the Virginia Department of Forestry; application for the grant was made through a proposal entitled, “Demonstration Project: Central City Tree Planting”; the project is needed because tree replacement in Roanoke’s central city neighborhoods has not kept pace with other urban

neighborhoods; and the Virginia Department of Forestry notified the City of Roanoke on June 5, 2001, that a grant of \$10,000.00 was awarded to the City of Roanoke for the project.

It was further advised that the Urban and Community Forestry Grant is a Federal grant sponsored by the U. S. Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of match; the grant requires a 50 per cent local match; sufficient matching funds were identified using \$3,674.00 funds from Supplies-Trees Account No. 001-053-4340-3004, a Parks and Grounds operating budget account, and \$6,326.00 in kind match using department labor and equipment costs; the \$10,000.00 grant award will be used to purchase an estimated 50 trees at an estimated cost of \$200.00 each, which will be purchased, planted and guaranteed by a professional landscaping company; as part of the project, the City will also purchase 50 wholesale trees for planting by City employees in the central City neighborhoods in cooperation with various neighborhood organizations; a request for reimbursement of \$10,000.00 will be submitted following completion of the project in the Spring of 2002; and time of performance of the project is July 1, 2001 through May 15, 2002.

The City Manager recommended that Council accept the Urban and Community Forestry Grant and authorize the City Manager to execute any required grant agreement, or other related documents, such agreement to be approved as to form by the City Attorney, and appropriate \$13,674.00 in Federal and local cash match funding in accounts to be established in the Grant Fund by the Director of Finance, the in-kind match of \$6,326.00 will be accounted for in the Parks and Grounds operating budget; and authorize establishment of corresponding revenue estimates in the Grant Fund.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35465-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35465-071601. The motion was seconded by Mr. Hudson.

Mr. Bestpitch advised that trees are quality of life and health issues, additional initiatives will be developed in the coming weeks to address the matter, and requested that Council be receptive to measures that can be taken to prevent the loss of more trees in the City of Roanoke.

Ordinance No. 35465-071601 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#35466-071601) A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry.

(For full text of resolution, see Resolution Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Resolution No. 35466-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

BUDGET-HUMAN DEVELOPMENT-COMMITTEES: The City Manager submitted a communication advising that the Human Services Committee budget, in the amount of \$474,769.00, was established by

Council with adoption of the General Fund budget for fiscal year 2001-02 on May 7, 2001; requests from 40 agencies, totaling \$866,863.91 were received, and appeals were filed and heard on April 17, 2001, from the following agencies: All Star Clinics, TAP – HOPE VI Project, American Red Cross – Roanoke Chapter Disaster Services, Roanoke Adolescent Health Partnership, Northwest Neighborhood Environmental Organization, and Presbyterian Community Center; all appeals were denied and performance audits will be conducted by the Council of Community Services to evaluate effectiveness and efficiency of funded programs.

The City Manager recommended that Council transfer \$474,769.00 from the Human Services Committee, Account No. 001-630-5220-3700, to new line items to be established in the Human Services Committee budget by the Director of Finance, as set forth on Attachment 1 to the report; and that the City Manager be further authorized to execute contracts with The Salvation Army for the Homeless Housing Program - Red Shield Lodge, (\$14,000.00) and Abused Women's Shelter - The Turning Point, (\$14,000.00); St. John's Community Youth Program, Inc., (\$5,000.00); and the Council of Community Services, for performance audits (\$11,000.00).

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35467-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION:

Mr. Hudson moved the adoption of Ordinance No. 35467-071601. The motion was seconded by Mr. Carder.

Mr. White requested clarification with regard to Attachment 2 to the report which illustrates allocations/recommendations by Roanoke Valley jurisdictions, and inquired if the agencies had, in fact, requested funds from other area jurisdictions, to which question the City Manager advised that she would respond at a later date. Mr. White requested that Attachment 2 be deleted from the official record until it is known if other jurisdictions were specifically requested to provide their share of

funding; whereupon, it was the consensus of Council that Attachment 2 would be withdrawn from the report, with the understanding that the City Manager will provide the requested information prior to the next meeting of Council on Monday, August 6, 2001.

Ordinance No. 35467-071601 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Carder,
and Mayor Smith-----
-5.

NAYS: None-----
--0.

(Council Member Harris was absent.) (Council Member Bestpitch advised that his spouse is employed by the YMCA of Roanoke Valley and since a percentage of funding is allocated to the organization, he will abstain from voting.)

Mr. Carder offered the following resolution:

(#35468-071601) A RESOLUTION concurring in the recommendations of the Human Services Committee ("Committee") for allocation of City funds to various nonprofit agencies and performance audits for Fiscal Year 2001- 2002; authorizing the City Manager, or her designee, to execute a contract with The Salvation Army for provision of services under the Homeless Housing Program and/or Abused Women's Shelter, to execute a contract with St. John's Community Youth Program, Inc., for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits.

(For full text of resolution, see Resolution Book No. 64.)

ACTION:

Mr. Carder moved the adoption of Resolution No. 35468-071601. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members Hudson, White, Wyatt, Carder,
and Mayor Smith-----
-5.**

**NAYS: None-----
--0.**

**(Council Member Harris was absent.) (Council Member Bestpitch
advised that his spouse is employed by the YMCA of Roanoke Valley
and since a percentage of funding is allocated to the organization, he
will abstain from voting.)**

DIRECTOR OF FINANCE:

**BUDGET: The Director of Finance submitted a written report
advising that at the close of fiscal year 2001, budgeted funds were
obligated for outstanding encumbrances; purchase orders or contracts
were issued for goods and services as of the close of fiscal year 2001,
but delivery of the goods or performance of the services had not been
completed; reappropriation of funds carries forward the unspent budget
funds that were originally appropriated and are contractually obligated
for the goods and services; and appropriation amounts are as follows:**

| | |
|---------------------------------------|------------------------|
| General Fund Open Encumbrances | \$ 2,252,172.00 |
| Water Fund Open Encumbrances | 348,230.00 |
| Sewage Fund Open Encumbrances | 492,805.00 |
| Civic Center Fund | |
| Open Encumbrances | 59,952.00 |
| Transportation Fund | |
| Open Encumbrances | 960.00 |
| Department of Technology Fund | |
| Open Encumbrances | 144,811.00 |
| Fleet Management Fund | |
| Open Encumbrances | 118,989.00 |
| School Fund Open Encumbrances | 1,170,053.00 |

**School Food Services Fund
Open Encumbrances**

24,695.00

The Director of Finance recommended that Council adopt budget ordinances reappropriating funds into the current year budget, in order that encumbrances may be properly liquidated.

(For full text, see report on file in the City Clerk's Office.)

Mr. White offered the following emergency budget ordinance:

(#35469-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. White moved the adoption of Ordinance No. 35469-071601. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35470-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Water Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35470-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35471-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Sewage Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35471-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35472-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Civic Center Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35472-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35473-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Transportation Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35473-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35474-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Department of Technology Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35474-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35475-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Fleet Management Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35475-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35476-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35476-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members Hudson, White, Bestpitch, Carder, and Mayor Smith-----
-5.**

**NAYS: None-----
--0.**

(Council Member Harris was.) (Council Member Wyatt abstained from voting inasmuch as she is employed by the Roanoke City Public School System.)

Mr. Bestpitch offered the following emergency budget ordinance:

(#35477-071601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Food Services Fund Appropriations, and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Ordinance No. 35477-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members Hudson, White, Bestpitch, Carder, and Mayor Smith-----
-5.**

**NAYS: None-----
--0.**

(Council Member Harris was absent.) (Council Member Wyatt abstained from voting inasmuch as she is employed by the Roanoke City Public School System.)

CITY ATTORNEY:

CITY CODE-SEWERS AND STORM DRAINS: The City Attorney submitted a written report advising that on June 18, 2001, Council adopted Ordinance No. 35423-061801, implementing recommendations contained in a letter from the City Manager to Council with regard to United States Environmental Protection Agency (EPA) regulations requiring certain scientific study and evaluation every five years of the local limits section of the City's sewer use standards; following the required study, it was found that amendments to several definitions and sections of Article III, Sewer Use Standards, Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, is required; the Virginia Department of Environmental Quality (DEQ) also approved the amendments; upon review of the above referenced ordinance, it appears that one definition in §26-43, Definitions, relating to chemical oxygen demand (COD) and biochemical oxygen demand (BOD) ratios should have been deleted; in addition, subsection (k)(1)(b)(4) of §26-56, Discharge permits for industrial waste, requires the addition of two words; and amendments are of a housekeeping nature to correct an inadvertent oversight in the previous ordinance.

(For full text, see report on file in the City Clerk's Office.)

Mr. White offered the following emergency ordinance:

(#35478-071601) AN ORDINANCE amending and reordaining Chapter 26, Sewers and Sewage Disposal, Article III, Sewer Use Standards, Code of the City of Roanoke (1979), as amended, by amending certain subsections of §26-43, Definitions, and §26-56, Discharge permits for industrial waste, with regard to certain items specifically regulated by this Code in order to comply with regulations of the United States Environmental Protection Agency (EPA), which proposed amendments have been approved by both the EPA and the Virginia Department of Environmental Quality (DEQ); and providing for an emergency.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. White moved the adoption of Ordinance No. 35478-071601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

NAYS: None-----
--0.

(Council Member Harris was absent.)

REPORTS OF COMMITTEES:

PARKS AND RECREATION: A report of the City Planning Commission advising that the Acting Director of Parks and Recreation has requested that Washington Park be renamed to Booker T. Washington Park to reflect the history of the park; and the name change is also recommended by a citizen committee established to make improvements to Washington Park.

The City Planning Commission recommended that Council rename Washington Park as Booker T. Washington Park, as requested by the citizen committee and the Department of Parks and Recreation.

(For full text, see report on file in the City Clerk's Office.)

Mr. Bestpitch offered the following resolution:

(#35479-071601) A RESOLUTION renaming Washington Park as the Booker T. Washington Park.

(For full text of resolution, see Resolution Book No. 64.)

ACTION: Mr. Bestpitch moved the adoption of Resolution No. 35479-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

STREET NAMES-STREETS AND ALLEYS: A report of the City Planning Commission advising that new industrial development along Frontage Road resulted in the extension of Ordway Drive from Hershberger Road to Ferndale Drive; a cul-de-sac was installed on Ferndale Drive near William Ruffner Middle School for traffic safety purposes; and the name of the new street connection was not changed to reflect the new street pattern.

The City Planning Commission recommended that Council rename Ferndale Drive from extended Ordway Drive to its terminus as Ordway Drive, and noted that there would be no change in the name of Ferndale Drive from Ferncliff Avenue to the cul-de- sac.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following resolution:

(#35480-071601) A RESOLUTION authorizing the City Manager to officially name a public right-of-way located within the City.

(For full text of resolution, see Resolution Book No. 64.)

ACTION: Mr. Carder moved the adoption of Resolution No. 35480-071601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Mayor Smith-----6.

**NAYS: None-----
--0.**

(Council Member Harris was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

Y.M.C.A.-CITY PROPERTY: Ordinance No. 35438, authorizing the City Manager to execute an agreement, deed and any related and necessary documents providing for the sale and conveyance of City-owned property located at 506 Church Avenue and the adjoining lot, bearing Official Tax Nos. 1113419 and 1113418, to the YMCA of Roanoke Valley, Inc., upon certain terms and conditions, having previously been before the Council for its first reading on Monday, July 2, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Hudson offering the following for its second reading and final adoption:

(#35438-071601) AN ORDINANCE authorizing the City Manager to execute an agreement, deed and any related and necessary documents providing for the sale and conveyance of City-owned property located at 506 Church Avenue and the adjoining lot, bearing Official Tax Nos. 1113419 and 1113418, to the YMCA of Roanoke Valley, Inc., upon certain terms and conditions.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. Hudson moved the adoption of Ordinance No. 35438-071601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Carder, and Mayor Smith-----
-5.

NAYS: None-----
--0.

(Council Member Harris was absent.) (Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA of Roanoke Valley, Inc.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CELEBRATIONS-COUNCIL-STADIUM: Mr. Hudson commended The Roanoke Times on sponsoring the “Music for Americans” celebration which was held at Victory Stadium on July 4th. He stated that he was proud of the fact that the City of Roanoke has a stadium that will accommodate thousands of persons.

PARKS AND RECREATION: Vice-Mayor Carder referred to the recent closure of the skateboard park which is located in Wasena Park for renovations. For the benefit of those persons who were unaware of the proposed renovations, he advised that construction will begin during the week of July 23rd and should be completed on or about August 30th.

SPECIAL PERMITS-COMPLAINTS: Vice-Mayor Carder referred to telephone calls and other forms of correspondence regarding the removal of basketball goals which encroach on City property adjacent to residential homes, some of which have been in existence for 15 - 20 years. He also referred to those instances where there are cul de sacs and one way streets where young people play basketball, and inquired if the basketball goals could be treated like an easement. He requested that the City Attorney research the question of whether the City could be indemnified against liability, upon application by the property owner.

REFUSE COLLECTION-RECYCLING: Vice-Mayor Carder referred to revisions to the City’s solid waste collection program, which went into effect on July 1, 2001, and requires citizens, in some instances, to place their refuse containers at the curb rather than at the alley for collection. He expressed concern that neighborhoods could become littered with refuse and/or unsightly because residents may choose to store their refuse containers at the front of their property.

He stated that as the City proceeds with the modified refuse collection process and, if it is discovered that neighborhoods are becoming unsightly and citizens are short cutting the process by leaving their refuse containers in front of their residence, it will be important to monitor the situation to insure that the City does not lose the integrity of its neighborhoods.

Mr. Bestpitch advised that based upon recent information received by Council, approximately 50 locations have been reinstated for alley collection that had previously been designated for street collection. He stated that if there are specific locations where street collection cannot be continued for a specific reason, then alley collection should be reinstated; however, in those locations where alley collection is possible, refuse should continue to be collected from the alley. He asked that the City administration continue to move forward and evaluate the situation in an effort to accommodate as many citizens as possible.

Mr. White requested an update by the City Manager on the status of refuse collection; whereupon, the City Manager expressed appreciation for Council's patience and tolerance through what has been a significant time of change for the community. She advised that the process has been a learning experience for staff in regard to the methods of communication that were used with citizens and how communication occurred as citizens called the City for assistance. She stated that every call was addressed, and as a result, 47 blocks of streets have been adjusted, which demonstrates that the City is trying to be flexible and sensitive to the concerns of its citizens. She stressed the importance of the cleanliness of the City which was demonstrated last fall when weekly collection of bulk trash and tree limbs was initiated. With regard to the modified refuse collection procedure, she advised that some mistakes were made and there were certain unforeseen circumstances that complicated the first two weeks; i.e.: the program should not have been initiated on a week that had a holiday which caused confusion, the City relied on the news media, the Presidents' Council of Neighborhoods and civic leagues as the primary methods of communication; however, issues of communication relating to future changes will be approached differently; and information will be mailed to each City resident by the end of the week providing an overview of the entire system. She stated that the Solid Waste Department was down by four positions when the program was started two weeks ago and two pieces of vehicular equipment were out of service, all of which were unforeseen circumstances. On the positive side, she stated that there has been a tremendous response to the recycling effort and the City is receiving calls from citizens requesting recycling containers who have not previously recycled. For the month

of May, she advised that the City collected 12 tons of plastic, aluminum, cans and glass and during the first week of the current program, which was a holiday week, nine tons were collected. She stated that there was confusion by citizens as to which recyclables to set out, there were a number of requests for physically challenged assistance, and some citizens were confused as to where refuse containers were to be placed, which led to a number of calls regarding miscollections and caused multiple collections in some parts of the City. She explained that the refuse collection cycle was relatively complete by Friday afternoon, July 20, and staff of Solid Waste Management was desirous of accomplishing the task on their own because there is a great sense of pride and morale in the Solid Waste division, with staff that is concerned about the cleanliness of the City as well; and the goal was to start the week of July 23 with a clean slate, with all citizens knowing the proper location to set out their refuse. She advised that Roanoke County staff worked alongside City staff on Saturday, July 21, with Roanoke County staff concentrating primarily on main streets and City crews working side streets and subdivisions; and approximately 38 tons of refuse were collected compared to a typical collection day of approximately 20 tons. She stated that collection started on Monday morning, July 16, on target with citizens having a better understanding as to the location where items were to be placed. She added that City staff has tried to insure that citizens are educated as to where their items are to be collected, a special telephone number was staffed on Saturday, July 14 to respond to questions and while some changes, are necessary, the system is beginning to work, call volumes are down compared to last week, and it is hoped that the community and Council will give City staff at least two additional weeks to make adjustments, to disseminate information and to clarify concerns. She stated that more and better services can be provided as a result of the change and taxpayers' money will be saved. She called attention to certain unsafe alleys in the City of Roanoke and noted that if refuse collection is returned to the alleys, significant changes will have to be made.

Ms. Wyatt advised that she appreciates the City Manager's willingness to revisit the issue if it is determined at a future date that street collection is not working. She asked that the City not find itself so locked into the new procedure that it is not willing to revisit the issue, because Council Members and City staff are elected and/or appointed to serve the community in the most cost effective manner, but at the same time, there is a responsibility to listen to the wishes of the citizens.

Mr. Hudson concurred in the remarks of Council Members Bestpitch and Wyatt. He stated that based on citizen input he has received, street refuse collection is not working. He expressed concern for those senior citizens who wish to comply with the new program, but, for physical reasons, are unable to move their refuse containers to the street for collection.

The Mayor extended appreciation to Roanoke County for its willingness to assist the City on Saturday, July 21, in order to complete the weekly refuse collection cycle. He stated that on Thursday, July 19, which is his birthday, he will work on the back of a refuse collection vehicle which will give him a better understanding of the refuse collection process. He advised that several months ago, the City was approached with regard to debris build up along the banks of the Roanoke River, and on the morning of July 4th, 35 members of the Kiwanis Club collected three truck loads of debris from the banks of the Roanoke River. He stated that Kiwanians are willing to perform this volunteer task two times per year as a service to the City, and encouraged another civic organization to volunteer its services on Labor Day, September 3, 2001.

EMERGENCY SERVICES-FLOOD REDUCTION/CONTROL: The Mayor advised that he recently traveled with the Roanoke Chapter of the American Red Cross to the flood ravaged areas of West Virginia. While he commended the American Red Cross on the outstanding work of its volunteers, he stated that he observed a breakdown of local emergency service management in the West Virginia area. He requested that the City Manager provide Council with an update on the City of Roanoke's Emergency Disaster Plan.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

The Mayor advised that this is a time for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for response, report or recommendation to Council.

COMPLAINTS-REFUSE COLLECTION-RECYCLING: Ms. Josephine Hutcheson, 1111 Loudon Avenue, N. W., advised that elimination of trash collection in alleys is unfair to residents of northwest Roanoke, as well as City sanitation workers. She stated that all citizens pay taxes, however, the City insists on doing what it wants,

regardless of the wishes of the citizens. She added that closing alleys is not justified to save money, and it is unfair to senior citizens who, in some instances, must maneuver their refuse containers down steep inclines to reach the street, all for the cause of saving money. She asked that alley refuse collection services be reinstated.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., appeared before Council on behalf of all residents of Historic Gainsboro, Gilmer and Patton Avenues, N. E., and requested that residential trash collection return to procedures that were in effect prior to July 1, 2001; whereupon, she petitioned that the above referenced neighborhood be declared exempt from all curb side refuse collection. She stated that both alley and curbside collection is needed in Historical Gainsboro--alley collection for those residents on the south side of Gilmer and Patton Avenues because topography of the land requires pushing or pulling the large blue containers down a steep hill, embankment or steps. She explained that some south side residents do not need medical exemption, but they are elderly citizens who cannot manipulate the large blue containers down and up the embankment. In addition to individual concerns, she added that residents are concerned about the health and safety of City employees who will have to negotiate hills or steps in all kinds of weather which can be hazardous. She called attention to the need for clarification as to which day refuse collection will take place in each quadrant of the City. She also requested clarification as to whether the south side of Gilmer Avenue, N. E., and the south side of Patton Avenue, N. W., will be exempt from street collection, and asked that refuse collection be returned to the pre July 1, 2001 procedure.

At 5:24 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 5:30 p.m., the meeting of Roanoke City Council reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., with Mayor Ralph K. Smith presiding, and the following Members of Council in attendance, for the purpose of holding a joint session with the Roanoke Civic Center Commission to discuss expansion needs and special needs of the Roanoke Civic Center.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder and Mayor Ralph K. Smith-----

--6.

ABSENT: Council Member C. Nelson Harris-----

1.

(Vice-Mayor Carder left the meeting following the presentation by the Manager of the Roanoke Civic Center.)

ROANOKE CIVIC CENTER COMMISSION MEMBERS PRESENT: Commissioners Vernon M. Danielsen, Mark E. Feldman, Edward L. Lambert, Robert C. Poole, Sandra W. Ryals and Calvin L. Johnson, Chair-----

-6.

ABSENT: Commissioner Thomas G. Powers-----

1.

STAFF PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; Mary F. Parker, City Clerk; Rolanda A. Johnson, Assistant City Manager for Community Relations; Gary E. Tegankamp, Assistant City Attorney; James Evans, Manager, Roanoke Civic Center; Christene Powell, Assistant Manager, Roanoke Civic Center; and (Susan Bryant-Owens,) Secretary, Roanoke Civic Center Commission.

Following dinner, the business session convened at 6:00 p.m.

ROANOKE CIVIC CENTER-CONSULTANTS' REPORTS: Mr. Evans reviewed the results of a study prepared by Rosser International in October 1999, which provides for a \$64 million Civic Center expansion program. Components recommended by the architect include the following:

Two 32,500 square feet exhibit halls,

Private boxes on three sides of the coliseum,

Club seats/club lounge on the south side,

Concourse renovation and expansion,
 Seating bowl-aisle closure/seat replacement,
 Restaurant/sports bar,
 Additional seating - raise coliseum roof,
 Improved back of house amenities,
 Auditorium renovations,
 Enclosure of plaza, and
 Parking improvements.

Mr. Evans advised that issues with the exhibit hall include limited availability of weekend dates during prime season (October - April), with the coliseum used as an exhibit hall 45 days per year and lost business totaling \$85,000.00, or 16 event days. He stated that exhibit hall components include 32,000 square feet of open space, new kitchen facilities, new storage facilities, relocated cooling tower, ticket office and administrative office and a new truck dock/marshaling yard, at a total cost of \$13,065,000.00. He reviewed the following funding sources:

| | | |
|--|---|---------------------|
| Exhibit Hall Cost | - | \$ 3,065,000.00 |
| Additional Franchise Requirements | | <u>1,276,020.00</u> |
| Total Project Costs | | \$ 14,341,020.00 |
| Operating Supplement Available for Capital Improvements | | 612,870.00 |
| New Exhibit Hall Revenue | | - |
| <u>150,000.00</u> | | |
| | | \$ 762,870.00 |
| Available Serviceable Debt | | 8,391,570.00 |
| Additional Debt Required | | |
| 5,949,450.00 | | |

He also reviewed the following funding alternatives:

One per cent increase in Admissions Tax - \$ 114,389.00

(\$1.25 million in debt service)

One per cent increase in Meals Tax - \$ 1.5 million
annually

(\$17 million in debt service)

One per cent in Lodging Tax - \$ 850,000.00

(\$10 million in debt service)

Mr. Evans reviewed other short term needs, as follows:

HVAC replacement (over six years) \$ 1,888,650.00

Auditorium 750,000.00

Fall Protection System 250,000.00

Side and End Court Risers 365,000.00

TOTAL \$ 3,253,650.00

At 6:15 p.m., Vice-Mayor Carder left the meeting.

The City Manager advised that the entertainment sports world views the City of Roanoke as a viable location which was indicated by recent decisions of the NBDL, SFX, and other entertainment venues; however, to this point, the Civic Center has not reached a level where the City can maximize its potential. She called attention to the National Basketball Development League (NBDL) franchise agreement, which, in anticipation of the possibility of the community expanding or

upgrading the facility, recognized the opportunity to promote naming rights and the idea of luxury boxes and suites, and if and when the NBDL becomes tenants and at such time as the City is ready to move forward in those areas, they are prepared to help identify individuals and corporations to assume those responsibilities. She added that if the City were to build the same facility to the specifications that are necessary to be competitive in today's market, the \$64 million figure projected by the consultant would triple. She stated that it is acknowledged that the City cannot fund a \$64 million project at one time, however, some components can be funded using a phased in approach and increased revenues from activities that would be returned to the Civic Center. She advised that Roanoke has the potential to become the entertainment center of southwest Virginia and the stadium/amphitheater project will help to promote that identification. She stated that Council is not requested to make decisions on revenue sources today; however, the briefing was presented in an effort to be responsive to the Council's request for information on exhibit hall space. She advised that in talking with representatives of the Roanoke Valley Convention and Visitors Bureau and the General Manager of The Hotel Roanoke, there are certain conferences and conventions that make a decision not to come to Roanoke because of insufficient exhibit hall space, which has a significant economic impact on the community. At the appropriate time, she requested that Council provide City staff with future direction which will enable the City of Roanoke to remain competitive with other localities.

There being no further business, at 6:45 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

On Monday, July 16, 2001, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, and Mayor

Ralph K. Smith-----
--5.

ABSENT: Council Members William H. Carder and
C. Nelson Harris-----
--2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William
M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and
Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council
Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of
America was led by Mayor Smith.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the
Council on Monday, April 6, 1981, the City Clerk having advertised a
public hearing for Monday, July 16, 2001, at 7:00 p.m., or as soon
thereafter as the matter may be heard, on the request of Lee Hi Land
Group, on the question of amending proffered conditions presently
binding upon a tract of land lying on the north side of Orange Avenue,
N. E., Official Tax No. 7140114, as set forth in Ordinance No. 33516-
080497, adopted on August 4, 1997, the matter was before the body.

Legal advertisement of the public hearing was published in
The Roanoke Times on Friday, June 29, 2001 and Friday, July 6, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending that
Council approve the request to amend proffered conditions, advising
that amended conditions address inappropriate uses of the site as well
as limiting the number of curb cuts to one, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. White offered the following ordinance:

“AN ORDINANCE to amend §36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 714, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned C-2, General Commercial District, and dispensing with the second reading of this ordinance.”

Mr. White moved the adoption of the ordinance. The motion was seconded by Mr. Hudson.

Mr. Bestpitch expressed concern that neither the petitioner or his representative was present to respond to questions. He stated that in 1997, the property was rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to a development plan; however, sale of the property was not consummated and another party is now interested in purchasing the property.

He inquired as to the status of the development plan for review by City staff prior to Council’s amendment of the proffered conditions.

Mr. White offered a substitute motion that action on the matter be tabled inasmuch as the petitioner was not present to respond to questions. The motion was seconded by Mr. Hudson and adopted.

TAXES-BUSINESS INCUBATORS: Pursuant to action by the Council, the City Clerk having advertised a public hearing for Monday, July 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Blue Ridge Small Business Development Center, Inc., d/b/a The New Century Venture Center, for designation of property located at 1354 Eighth Street, S. W., to be exempted from taxation, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, July 8, 2001.

(See publisher’s affidavit on file in the City Clerk’s Office.)

A communication from the City Manager advising that the Blue Ridge Small Business Center, Inc., owns property described as Official Tax Nos. 1130511, 1130512, 1130514, 1130515, 1130516, 1130719, 1130814, and 1130809, located at 1354 Eighth Street, S. W., which

property houses The New Century Venture Center, an incubator for small businesses; annual taxes due for 2000-01 were \$4,561.68 on an assessed value of \$78,000.00 for the land and \$299,000.00 for the building; the Blue Ridge Small Business Center, Inc., petitioned Council in January 2001, for adoption of a resolution in support of the organization obtaining tax-exempt status from the General Assembly on property located in the City of Roanoke; loss of revenue to the City will be \$3,649.34 after a 20 per cent service charge is levied by the City in lieu of real estate taxes; and the service charge will be \$912.34, was before Council.

The City Manager recommended that Council support the request of the Blue Ridge Small Business Center, Inc., for exemption from taxation to the General Assembly, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following resolution:

(#35481-071601) A RESOLUTION supporting tax exemption of certain property of the Blue Ridge Small Business Development Center, Inc., located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis.

(For full text of resolution, see Resolution Book No. 64.)

ACTION: Mr. White moved the adoption of Resolution No. 35481-071601. The motion was seconded by Mr. Bestpitch.

Lisa Ison, President, The New Century Venture Center, advised that The New Century Venture Center is a business incubator that opened in July 1996 and operates as a 501 (C)(3) non-profit corporation, the sole mission of which is to nurture startup companies in the area and help them through the critical early steps of business development. She further advised that since its inception five years ago, the Center has assisted over 50 companies, graduated 12 companies and currently houses 23 tenants that employ 155 persons. She stated that the Center operates as a mixed use incubator by accepting companies involved in service, operations, high tech and light manufacturing

operations, and current occupants include 17 service companies, five high tech companies, one high tech light assembly operation and ten firms represent women or minority owned businesses. Of the 12 graduates, she noted that five have remained in the City of Roanoke and now employ 33 persons; two graduates purchased their own buildings and remodeled the structures into attractive facilities, thus encouraging surrounding business owners to update their properties; another graduate was acquired by a Colorado-based telecommunications company for \$13 million and because of the workforce and quality of life in the Roanoke Valley, a decision was made to remain in the Roanoke area and renovate a large facility, with creation of 40 additional high tech engineering jobs. She stated that in January 2001, The New Century Venture Center entered into a partnership with the Roanoke Redevelopment and Housing Authority to create an entrepreneur training program, the purpose of which is to identify existing and prospective individuals and entrepreneurs within the City's public housing development by helping them develop their businesses into viable operations; there are two on site participants and five additional participants are scheduled to enter the program. She explained that the small business incubator is a valuable part of Roanoke City's overall economic development program which fills a void for those entrepreneurs who may not have a chance otherwise and who need an environment that is conducive to business ownership, and it is rewarding to play an important role in assisting young companies that are starting to grow into successful business operations, which creating job opportunities for Roanoke's citizens. In closing, Ms. Ison stated that The New Century Venture Center does not receive funds through the City of Roanoke and if the tax exemption is approved, the Center will continue to pay an amount equal to 20 per cent of the City's real estate tax levy.

Mr. White spoke in support of the request of The New Century Venture Center; however, he called attention to previous requests that City staff review the status of 501(C)(3) non-profit corporations to provide Council with a review of current properties on the City's tax role versus tax exempt properties, and submit a policy recommendation for consideration by Council.

The Mayor expressed concern with regard to the precedent of granting tax exempt status, and stated that he would prefer some type of allotment to the organization as opposed to opening the door to tax exempt status.

The City Manager advised that this is an area that warrants scrutiny; a previous Council enacted a policy that applicants agree to pay 20 per cent of what would be the normal real estate tax, and previous to that decision, tax exempt agencies were not required to pay any real estate taxes; therefore, there are two different categories of tax exempt status in the City of Roanoke. She spoke in support of the request of The New Century Venture Center because it contributes directly to the economy of the City of Roanoke. Pursuant to the request of Council Member White, she advised that she would evaluate the current procedure for real estate tax exemption and provide a policy recommendation for consideration by Council.

Resolution No. 35481-071601 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch,
and Mayor Smith-----
-5.

NAYS: None-----
--0.

(Council Members Carder and Harris were absent.)

The Mayor declared the public hearing closed.

CITY PROPERTY-PARKS AND PLAYGROUNDS: Pursuant to action taken by Council, the City Clerk having advertised a public hearing for Monday, July 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to convey approximately 1,000 square feet, more or less, of City-owned property located in Garden City Park, described as a strip of land approximately 100' x 10' between the creek and the rear property line of Official Tax No. 4390812, being a portion of Official Tax No. 4390619, to Cheryl Marie Proctor Chandler, 3655 Ventnor Road, S. E., upon certain terms and conditions, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, July 8, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

ACTION: Due to an error in property description, the City Manager requested that the matter be withdrawn.

Without objection by Council, the Mayor advised that the matter would be withdrawn.

BONDS/BOND ISSUES-WATER RESOURCES-SIDEWALK, CURB AND GUTTER-STADIUM-SCHOOLS: Pursuant to action of the Council, the City Clerk having advertised a public hearing for Monday, July 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, with respect to the proposed adoption of a resolution authorizing the City of Roanoke to contract a debt and to issue general obligation public improvement bonds of the City and in anticipation of the issuance thereof general obligation public improvement bond anticipation notes of the City, in the principal amount of \$31,245,000.00, for the purpose of providing funds to pay the costs of acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Monday, July 2, 2001 and Monday, July 9, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager and the Director of Finance submitted a joint written report advising that on June 18, 2001, Council endorsed and concurred in recommendations contained in an update to the Capital Improvement Program (CIP) for Fiscal Years 2002-2006, which included a list of new capital improvement projects and funding scenarios; and consistent with recommendations in the Capital Improvements Program update, the following capital projects contained in the updated plan need to be funded by the next issuance of bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia):

| | |
|---------------------------------------|----------------------|
| Crystal Spring Water Filtration Plant | \$ 5,445,000.00 |
| Curb, Gutter and Sidewalk Program | 5,000,000.00 |
| Schools | 4,600,000.00 |
| Stadium/Amphitheater | <u>16,200,000.00</u> |

Total

\$ 31,245,000.00

The City Manager and the Director of Finance recommended that Council adopt a measure authorizing issuance of \$31,245,000.00 general obligation bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia).

(For full text, see report on file in the City Clerk's Office.)

Mr. Bestpitch offered the following resolution:

“A RESOLUTION authorizing the issuance of thirty-one million two hundred forty-five thousand dollars (\$31,245,000) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for such City; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.”

ACTION: Mr. Bestpitch moved the adoption of the resolution. The motion was seconded by Mr. White.

Mr. Hudson advised that he supports the need for general obligation bonds; however, in good conscience, he could not support a \$31 million bond issue without providing an opportunity for citizen input through a bond referendum.

Mr. Bestpitch referred to the \$5 million allocated for curb, gutter and sidewalk improvements and called attention to those citizens who

have waited for many years for funds to be dedicated for that purpose. He stated that \$5 million will take the City a long way in reaching its goals and encouraged Council Members to vote in favor of issuing the bonds.

Mr. White advised that the \$5 million designated for sidewalk, curb and gutter improvements is a major step forward, and one of his priorities during his Council service has been to improve the City's financial condition in order to fund such improvements.

Ms. Wyatt advised that a portion of the bond funds are designated for the Roanoke City Public School System, and inasmuch as she teaches at a City elementary school, she inquired if she should abstain from voting on the resolution; whereupon, the City Attorney advised that since the proposed measure pertains to capital expenditures at the Roanoke Academy for Mathematics and Science, Ms. Wyatt would not have a conflict of interest and could therefore cast her vote on the resolution.

The Mayor requested information on the City's bonded indebtedness. He stated that old debt is being retired at the rate of about \$3 million per year and the proposed \$31 million bond issue is in addition to funds that will be necessary for the two high school renovation projects, as well as civic center improvements in the range of \$64 million over the next several years. He inquired as to the bonded indebtedness of the previous Council and the present Council, and stated that the City must retire debt at a faster pace if it is to continue to expand the City's bonded indebtedness. He requested information on the City's level of bonded indebtedness five years ago.

The Director of Finance responded to the City's level of bonded indebtedness over the past three years; i.e.: on June 30, 1999, the City and the School Board had \$119 million in general obligation bond debt, \$77 million City debt and \$42 million school debt; on June 30, 2000, the City had a \$99 million debt and the Schools had \$58 million, for a total of \$157 million; and as of June 30, 2001, the City will have \$94 million outstanding debt and the School debt will be \$61 million, for a total of \$155 million. He stated that the principle reduction in bonded debt for next year for the City and School budget totals approximately \$9 million,

\$6 million to be retired by the City and \$3 million to be retired by the School Board.

Inasmuch as general obligation bond resolutions require four affirmative votes for adoption, the resolution was lost by the following vote:

AYES: Council Members White, Wyatt and Bestpitch-----3.

**NAYS: Council Member Hudson-----
1.**

(Mayor Smith voted present, which he later clarified as an abstention.)

(Council Members Carder and Harris were absent.)

The Mayor declared the public hearing closed.

Later during the meeting, Mr. Bestpitch raised a point of order in connection with the impact of the public hearing on the general obligation bond issue, and inquired as to the status of bond projects and how the matter can be brought back to the Council floor for a vote.

In clarification, the Mayor advised that his abstention on the resolution was based on the fact that he did not receive a satisfactory response to his question regarding the City's bonded indebtedness.

The City Attorney advised that the matter can be brought back to the Council floor by the City Manager; however, he will confer with bond counsel on the question of whether another public hearing must be legally advertised and conducted by Council.

Ms. Wyatt spoke in support of an information sharing briefing by the City Manager and the Director of Finance in connection with methods used by other municipalities in the Commonwealth of Virginia to fund large types of capital improvements, the level and term(s) of indebtedness, bond rating, etc., and how the City of Roanoke compares with other municipalities of comparable size.

CITY PROPERTY-BLUE CROSS/BLUE SHIELD: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, July 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to convey to Trigon Insurance Company certain City owned property identified as Official Tax Nos. 4016001, also known as Key Plaza, and 4016003, located on Franklin Road, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, July 8, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A communication from the City Manager advising that Trigon Insurance Company (Trigon), successor in interest to Blue Cross of Southwest Virginia and Blue Shield of Southwest Virginia, is the owner of a multi-story office building located on Official Tax No. 4016002 at the corner of Franklin Road and Jefferson Street in downtown Roanoke; adjacent parcels to the building, Official Tax Nos. 4016001 (Key Plaza) and 4016003, are both owned by the City of Roanoke; the City is solely responsible for maintenance and upkeep of these areas and for repairs to Key Plaza; Trigon has offered to purchase Key Plaza and Official Tax No. 4016003 for the purchase price of \$100.00, thereby relieving the City of its continuing obligations to maintain both parcels; proper maintenance of the two parcels of land would be insured and subject to routine and customary real estate taxation by the City; and Trigon has agreed that the Special Warranty Deed conveying the parcels of land to Trigon shall require that, unless the City agrees, Trigon and its successors shall continue to use and maintain the parcels of land as a plaza or open area, was before Council.

The City Manager recommended that she be authorized to execute a deed and any other appropriate documents to be approved as to form by the City Attorney, to transfer Official Tax Nos. 4016001 and 4016003 to Trigon Insurance Company.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following ordinance:

(#35482-071601) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the sale and conveyance of certain City-owned parcels located at or near 111 Franklin Road, S. W., and at the intersection of Franklin Road and Jefferson Street, bearing Official Tax No. 4016001 (Key Plaza) and Official Tax No. 4016003, upon certain terms and conditions, and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 64.)

ACTION: Mr. White moved the adoption of Ordinance No. 35482-071601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, and Mayor Smith-----
-5.

NAYS: None-----
--0.

(Council Members Carder and Harris were absent.)

The Mayor declared the public hearing closed.

OTHER HEARING OF CITIZENS:

The Mayor advised that this is a time for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for response, report or recommendation to Council.

COMPLAINTS-REFUSE COLLECTION-RECYCLING: Mr. Woodrow Hickman, 1010 Norfolk Avenue, S. W., appeared before Council in connection with refuse collection in his section of the City which has not been collected for approximately three weeks. He expressed concern for elderly and disabled persons who are physically unable to push their refuse containers to the street for collection, and because of the topography of the land with high embankments, refuse collection is best served from the alley. He stated that sanitation workers are under paid, the department is understaffed and more employees are

needed to render the service. He complained about the accumulation of debris and weeds on the property of a business located in his neighborhood, the property owner does not live in the area, therefore, the condition of the property has caused a decrease in property value for other property owners in the neighborhood.

POLICE DEPARTMENT-COMPLAINTS-CITY SHERIFF-COMMONWEALTH'S ATTORNEY: Jeff Artis, Chair, Roanoke Southern Christian Leadership Conference (SCLC), 1450 Lafayette Boulevard, N. W., advised that the SCLC has a history of pro law enforcement. However, he stated that on Friday, July 13, 2001, the SCLC completed an investigation of alleged police brutality, one involving the Sheriff's Department and one involving the Roanoke City Police Department, both of which related to individuals residing at the Roanoke Rescue Mission who were arrested for intoxication in public. He added that one of the individuals, while in custody of the Sheriff's Department, reported that he was hand cuffed and slammed into the bars of his jail cell, suffering bodily injury and beaten by law enforcement personnel; and another individual, while in custody of the Roanoke City Police Department, reported bodily injury and also beaten by law enforcement personnel. He added that further research conducted by the SCLC finds that as of Friday, July 13, the proper documents concerning these alleged police beatings had not been properly filed, indicating a possible cover up, and photographs of the victims will be posted on his web-site. He stated that as an organization, the SCLC does not support police brutality or misconduct, and in light of these two alleged cases of police brutality and other information gathered by the SCLC over the past several years regarding Roanoke's law enforcement personnel, the SCLC will formally ask the U. S. Department of Justice to investigate all Roanoke City law enforcement agencies, including the Roanoke City Police Department, Sheriff's Department, and Commonwealth Attorney's Office.

Jack Mills, 1400 Irving Road, Thaxton, Virginia, Ombudsman for the Commonwealth of Virginia for Women, Children and Minorities, as appointed by National Southern Christian Leadership Conference President, Herbert Coulton, advised that the purpose of his position is to diffuse difficult situations in the community in an effort to develop harmony. He stated that he was requested by the President of the Roanoke Chapter, SCLC, to support Mr. Artis in his presentation before

Council, and suggested that a Member of Council convene a meeting of appropriate persons to talk “with” each other rather than “to” each other with regard to alleged actions of law enforcement personnel in the City of Roanoke.

SPECIAL PERMITS: Mr. Preston Moore, 435 Willow Oak Drive, S. W., advised that he has been informed by City Building Inspectors that a basketball goal erected on City right-of-way and without the permission of Council, which faces his property on Willow Oak Drive, must be removed. He stated that the basketball goal was erected prior to his acquisition of the property which is located on a cul de sac, and requested a special exception by the City to permit the basketball goal to encroach on City right-of-way.

COMPLAINTS-TAXES-CITY EMPLOYEES: Mr. Robert Gravely, 617 Hanover Avenue, N. W., addressed Council with regard to City issues of concern, specifically, insufficient wages for the City workforce and the high real estate tax rate in the City of Roanoke which makes it difficult, if not impossible, for the average City worker to purchase a home.

COMPLAINTS-STREETS AND ALLEYS: Mr. George Gunther, P. O. Box 12353, expressed concern with regard to alley closings in the City of Roanoke which will eliminate rear access to private residences, in some instances, by emergency vehicles. Instead of closing the alleys, he suggested that alleys be widened to allow for improved access and cleared of debris to eliminate health and safety hazards.

At 8:10 p.m., the Mayor declared the meeting in recess for one closed session.

At 8:30 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Council Members Carder and Harris, Mayor Smith presiding.

ACTION: **COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters

as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch,
and Mayor Smith-----
-5.

NAYS: None-----
--0.

(Council Members Carder and Harris were absent.)

At 8:32 p.m., the Mayor declared the meeting in recess until Monday, July 30, 2001, at 12:15 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

The regular meeting of Roanoke City Council which convened on Monday, July 16, 2001, and declared in recess until Monday, July 30, 2001, was called to order on July 30, at 12:15 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, by Mayor Ralph K. Smith.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, and Mayor Ralph K. Smith-----
---7.

ABSENT: None-----
--0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

In view of the fact that a number of persons were present out of their interest in one or more briefing items on the agenda, following discussion, it was the consensus of Council that the fifth Monday of each month will be conducted as a work session of the Council and citizens are invited to attend the meetings, but will not be recognized for comments.

Inasmuch as one citizen had previously registered to speak, the Mayor called upon Mr. Douglas Woody, 4854 Autumn Lane, N. W., who spoke against the closing of the fire station on Salem Turnpike, N. W. He referred to copy of an annexation decree dated June 6, 1975, which provides for a fire station in the Salem Turnpike area.

COUNCIL-COMMITTEES: Council having previously agreed that a portion of each fifth Monday work session would be reserved for Council Members to report on their liaison roles to various Council-Appointed authorities, boards, commissions and committees, Members of Council presented the following reports.

Vice-Mayor Carder, Council's liaison to Downtown Roanoke, Inc. (DRI) reported that the Outlook Roanoke Plan has gone through three updates and should be released in the near future and DRI is trying to build support for downtown development through the Plan. He stated that Downtown Roanoke, Inc., recently relocated to the City Market area and hired a full time manager to address marketing of the City Market. He further stated that the "Big Lick" street sweeper is in operation in downtown Roanoke; and DRI is working on developing the Zimmerman

property in conjunction with the Roanoke Valley Chamber of Commerce and the Foundation for Downtown Roanoke, Inc.

He advised that of concern is the fact that Downtown Service District tax collection has remained relatively flat over the last six to seven years, especially in view of downtown development.

Vice-Mayor Carder reported that the Virginia Museum of Transportation is conducting a Museum Assessment Program in order to become a certified museum which should be completed by October 8; major emphasis is on the construction of a new canopy which will be funded by TEA-21 money and City involvement; and the Transportation Museum is constructing an automobile gallery through private contributions.

Vice-Mayor Carder advised that the Roanoke Valley Convention and Visitor's Bureau would like to compliment Roanoke City Council and the City administration on increasing the City's lodging tax, the proceeds of which are to be used to increase advertising and marketing of the Roanoke area. He stated that the RVCVB is working to implement a strategic plan to raise the visibility of the Convention and Visitor's Bureau and to increase the awareness of the benefits of tourism and marketing tourism dollars. He advised that the RVCVB received a \$10,000.00 grant for the African-American Heritage tour and two additional trade shows have been added in an effort to generate more convention business; City-wide hotel occupancy is currently at 53 per cent which is low compared with the national average of approximately 65 per cent; and two new hotels will be locating in the Roanoke area in the near future. He stated that Roanoke County has increased its funding for RVCVB from \$112,000.00 to \$150,000.00, the City of Salem increased its contributions to \$10,000.00 and Franklin County increased its contribution from \$2,500.00 to \$5,000.00.

He advised that the Special Events Committee continues to focus on The Christmas Tree Lighting Ceremony, Dickens of a Christmas, the St. Patrick's Day Parade, and the Blues and Jazz Festival.

Mr. Hudson advised that he serves as Council's liaison to the Roanoke Civic Center Commission and called attention to a briefing on July 16 with regard to future

needs of the Civic Center totaling \$64 million. He stated that he serves as liaison to the Roanoke Valley Cable Television Committee which is currently working on a new franchise agreement with Cox Communications; he serves on the Virginia CARES Board of Directors which works to bring inmates back into the community through job placement; and he also serves on the Virginia Municipal League Transportation Safety Committee, as well as Council's liaison to the Mayor's Committee for People with Disabilities.

Ms. Wyatt advised that she serves as Council's liaison to the America's Roanoke's Promise Board of Directors and the Roanoke Neighborhood Development Corporation (RNDC). She commended the work of the City Manager and the Director of Finance who were of assistance to RNDC through difficult times, and advised that RNDC has met its fund raising goal of \$75,000.00.

Mr. Bestpitch advised that he serves on the Roanoke Neighborhood Partnership Steering Committee as Council's liaison. He commended the work of the new Neighborhood Coordinator and the new Assistant City Manager for Community Development and stated that the City can look forward to a strong and healthy relationship with its neighborhoods. He noted that on September 21 - 22, the City of Roanoke will host the State Neighborhood Conference at the Holiday Inn Tanglewood, and invited Council Members to participate in the Conference. He advised that he also serves on the Mill Mountain Zoo Board of Directors, the Zoo is celebrating its 50th anniversary this year and the Board of Directors is working on a long range master plan to upgrade and expand Zoo operations and to improve certain areas of the Zoo, and there may be pertinent funding issues to be addressed in the future as Council moves through the budget process. He explained that the Mill Mountain Zoo lease is about to expire and with major investments and a major capital fund drive, the Board of Directors of the Mill Mountain Zoo is interested in a longer term lease arrangement with the City.

Council Member Harris advised that he serves as Council's liaison to the Roanoke Redevelopment and Housing Authority Board of Commissioners. He stated that Council has been briefed on the Lincoln 2000 Project and GOB North and South projects. He called attention to monthly meetings with John Baker, Executive Director, and Willis Anderson, Chairperson, Roanoke Redevelopment and Housing Authority and advised that if Council Members have questions or concerns, he will be pleased to bring these matters to the attention of Mr. Baker and Mr. Anderson.

Council Member White advised that he Chairs the Audit Committee and the Legislative Committee and both committees presented Council with written annual reports. He commended the City Attorney for his assistance with legislative matters and the Municipal Auditor, for his assistance with audit matters. He advised that

Mr. Bird will retire on September 30, 2001, as Municipal Auditor and commended him on his outstanding service to the City of Roanoke.

The Mayor advised that he serves as ex officio to all Council-Appointed committees. He reported on the Mill Mountain Advisory Committee and advised that since its inception in the 1960's, only two persons have served as Chair until recently when Carl H. Koptizke resigned his position as Chair, but will continue to serve as a member of the committee. He requested that a measure be prepared commending Mr. Koptizke on his many years of service and his contributions as Chair of the Mill Mountain Advisory Committee.

The Mayor advised that he will present his State of the City Address on Tuesday, August 7, an invitation was extended to all Members of Council to share their ideas for inclusion in the document, and encouraged Council Members to submit their responses by the close the business day.

He stated that the Mayor's Technology Committee is meeting with communications personnel and plans to present an in-depth report to Council in the near future.

CITY MANAGER BRIEFINGS:

FIRE-EMS: The City Manager introduced a briefing on the Fire/EMS Department Strategic Business Plan 2000-2007. She called attention to discussions during fiscal year 2001-02 budget study, in which several members of Council challenged City staff to review resource allocations and to explore the question of whether there is an opportunity through a regional effort to better respond to certain parts of the community; whereupon, she called upon Chief James Grigsby to present the briefing.

Chief Grigsby advised that there are 14 fire stations in the City of Roanoke and each fire station should cover approximately seven square miles which is used as a guideline. He explained that major areas of the seven year plan include:

Fire Suppression:

A goal of reducing life and dollar loss to the community,

New station construction,

Standards of response coverage,

Employee safety, and

Mutual response and aid with surrounding jurisdictions.

Emergency Medical Services:

Grow advance life support personnel to 45,

Monitor service demands and make recommendations for changes in resource needs, (unit system status approach), and

Evaluate EMS user fee structure and make recommendations in parallel with Medicare fee structure enhancements.

Fire Prevention and Investigation:

Fire protection engineer,

Increase fire business inspections,

Mail Code compliance,

Increase public education,

New fall program - RISK WATCH:

Pre-school thru fifth grade, and

Coordinate with Standards of Learning.

Fire-EMS Training:

Conduct training needs analysis,

Increase contact hours,

Regional training,

Implementation of a training bureau concept, and

Identify additional training resources.

Apparatus and Equipment Maintenance:

Explore regional maintenance concept,

Contract out specialized needs, and

E. G. Aerial Ladder Maintenance.

Technology:

New Fire-EMS records management system - computerized incident reporting,

GIS-GEO,

Mobile data terminals - voiceless communications, and

Automatic vehicle locator system.

ISO (Insurance Service Organization) Class 3 City:

July 16 thru July 27 (conduct evaluation),

Ongoing review of service levels, and

Help identify areas needing improvement,

Fire

Water system

9 - 1 - 1.

He stated that the Fire/EMS Department is preparing for national accreditation which is fairly new for fire service, currently there are less than 50 departments in the United States that are nationally accredited and the City of Roanoke Fire/EMS would like to be accredited by the end of fiscal year 2001-02.

He advised that there are currently 14 fire stations, 275 personnel, 13 engines, four ladders, and six medic units, a required daily staffing at 64 individuals on duty in the operational divisions, responding to 90 per cent of the City's population in

under four minutes, and ems calls to 92 per cent of life threatening calls in under eight minutes. He reviewed the following performance measures:

Fire:

Four minutes 90 per cent of the time to all structure fires,

Eight minutes 90 per cent of the time to all other types of fire incidents,
and

13 personnel on initial response to all structure fires.

EMS:

Eight minutes 90 per cent of the time to all life threatening medical emergencies, and

Twelve minutes 90 per cent of the time to all non-life threatening medical emergencies.

He reviewed the sequence of events that may occur from ignition to suppression of a fire; .i.e.: detection of the fire and report of the fire which are indirectly manageable; receive process call 9 - 1 - 1 (one minute), turn out (one minute) and travel from station to scene (four minutes) which are directly manageable; and scene controlled. He noted that the following are examples of calls for service:

Fire:

House and building fires,

Fire alarm activations,

Car fires,

Brush and trash fires,

Chemical hazards,

Technical rescues, and

Aircraft incidents.

EMS:

Heart attacks/strokes,

Assaults/shootings,

Car accidents,

Falls/construction and industrial accidents,

Diabetes/allergic reactions,

OB deliveries, and

Other medical emergencies.

He explained that 80 per cent of calls are medical related and 18 per cent are fire related, there are 17 front line apparatus to handle the 18 per cent of calls and six front line ambulances to handle 79 per cent of calls; there are approximately 110 - 115 working fires per year, and for the period of January 2000 - June 2001, there were 155 working fires in the City of Roanoke. He stated that the definition of a working fire is the first responding fire apparatus arriving on the scene does a size up which determines if it is a working or non-working fire, i.e.: is smoke coming out of the windows. He further stated that in a typical working fire, 12 - 15 people are needed to handle tasks and the average is 18.6 people on each working fire; and there are approximately 15,000 engine calls with about 10,000 of the calls representing non-patient transports.

Chief Grigsby reviewed factors that determined the need for station construction/relocation:

Location:

Performance Measures (four minute window),

Population (Density, age),

Major transportation infrastructure improvements,

Calls per fire zone district (high life hazard vs. low life hazard),

Facility type, condition and age,

Bay size to accommodate modern apparatus,

Gender issues, and

Useful life as a fire station.

He reviewed a chart on fire station status containing information on the year of construction, current condition, size, location, life expectancy, action needed and estimated cost/repair based on a building condition assessment prepared by Balzer and Associates dated October, 1999.

He reviewed a three phase building plan, i.e.: Phase I involves consolidation of Stations 1 and 3, with architectural, engineering and land acquisition to occur the first year and construction during the second year. He explained that Station 1 is located on Church Avenue, S. W., and Station 3 is located on Sixth Street, S. W. He stated that benefits provide that a single station, properly located, can serve this area within the required four minute response time 90 per cent, size and ability to accommodate modern equipment, a facility for fire-ems administration, and gender accommodation. He explained that the area recommended for Station No. 1 relocation is in the vicinity of Elm Avenue, S. W. (Williamson Road corridor).

Chief Grigsby advised that Phase II would consolidate Station Nos. 5 and 9; Station 5 is currently located at 12th Street and Loudon Avenue and Station 9 is located at Melrose Avenue and 24th Street; the second year of the plan would involve architectural, engineering and land acquisition and the third year would include construction. He stated that benefits include: one station properly located can service this area within the required four minute response time 90 per cent; aerial ladder apparatus can be relocated; there would be an ability to accommodate modern equipment; employee safety; gender accommodation and provide additional service to the community through police satellite offices and multi-use facilities. He explained that Phase III construction recommends that a station be built on upper north Williamson Road which would be Station No. 10, and is an airport station which is in good condition, with good sides, with a five to 20 year life expectancy, and reasons for the recommendation are twofold, i.e.: the airport is desirous of building a new station as envisioned in its master plan to meet Federal Aviation Administration requirements, and to locate a station on north Williamson Road which is an underserved part of the City. He stated that benefits include increased response

coverage of under four minutes to an additional three per cent of the population, to meet FAA requirements, and to provide increased service to upper Williamson Road and the northeast area.

Chief Grigsby advised that working in conjunction with his counterparts in Roanoke County and the City of Salem, three recommendations are submitted for Council's consideration:

Recommendation No. 1:

Staffing:

Six positions to No. 4 station, 3763 Peters Creek Road, and place an additional ambulance unit in service,

Dedicate more resources to 80 per cent service calls,

Provide underserved area with faster ambulance response times,

Provide back-up to one of the busiest ambulances in the system,

Reduce fire engine "first responder" calls, keeping them more available for fire emergencies,

Area can be served by Fire Station No. 4 and No. 13 to provide four minute/90 per cent fire response, and

Low demand for service area (run demand by engine company).

Regional Cooperation:

Automatic aid with the City of Salem to provide a fire engine from their Fire Station No. 2 (419 and Salem Turnpike) to City fire zones No. 5 and No. 8 (area immediately north and south of Salem Turnpike from City line to Peters Creek Road). The City will provide a fire engine to Salem - west to 419, north Route 11 and South Veterans Medical Center.

Recommendation No. 2:

Staffing:

Six positions to Roanoke County Clearbrook Fire Station (220 South) to help cross staff one engine and one ambulance,

Provide 220 South/Southern Hills area with faster response times for both fire and ambulance,

Provide four minute/90 per cent fire response to underserved area which is growing commercially, and

Reduces City's longest response time.

Regional cooperation:

Roanoke County will assign 12 full time employees; Roanoke City will assign six full time employees; combined resources of 18 full time employees, staffing needed for one engine and one ambulance,

seven day/24 hour coverage,

Paid to paid staff,

County apparatus, and

Cost sharing details to be worked out by respective administrations.

There was discussion with regard to an annexation decree in which certain commitments were made when the Salem Turnpike area was annexed to the City; whereupon, it was the consensus of Council that the City Attorney would research the annexation decree and provide Council with an opinion as to whether the City has honored the terms of the annexation agreement.

Recommendation No. 3:

When construction Phase II (northwest section) is completed in approximately three years, 12 positions will become available for reallocation. Fire administration recommends taking no action on these positions until future service levels are analyzed, then bringing a detailed recommendation for Council's consideration.

He presented a status table of fire stations in their current condition and station status after business plan implementation in 2007; and presented the following cost breakdown:

| | | |
|-----------|---|---------------------|
| Phase I | - | \$4,700,000.00 |
| Phase II | - | 2,575,000.00 |
| Phase III | - | <u>1,555,000.00</u> |
| Total | - | \$8,830,000.00 |

He advised that re-use of existing stations could be as follows:

Fire Station No. 1 - Partner with Julian-Stanley Wise Foundation to develop into a fire/rescue museum.

Fire Station Nos. 3, 5, and 9 - Several community groups have expressed an interest in attaining buildings for neighborhood use.

A summary of questions and/or comments by Council Members is as follows:

The difference between a Class 3 and a Class 2 City as rated by the Insurance Service Organization, and the City's goal to improve its rating to Class 2.

Response times/Station location;

Staff retirements in the next six months;

A request for information covering the last six months response time on each call for assistance, broken down by fire station.

The question of whether a majority of the area proposed for consolidation of Fire Station No. 1 is located in historic old southwest.

If \$51,420.00, which is the estimated repair cost for Fire Station No. 5, is approved, what would be the life expectancy of the fire station?

The dollar amount of \$62,000.00 for an elevator for Fire Station No. 5 seems high.

Additional costs incurred for community rooms that are constructed as a part of a public facility.

Has the City of Salem approved Recommendation No. 1? What steps need to be taken to formalize the agreement? Has the proposal been presented to residents of the Ridgewood Park area? The City Manager responded that the next step will be for the jurisdictions to create a formal document that would then be adopted by the two localities, followed by presentations to various civic groups.

Roanoke City and Roanoke County should not start down this path unless the two localities are serious about regional cooperation, thereby making this the first step in a gradual incremental process whereby Roanoke City Fire and EMS and Roanoke County Fire and Rescue Services are combined into one Roanoke Valley department.

While discussing regionalism for Fire/EMS services, the localities should begin to discuss police services.

City staff should immediately brief Ridgewood Park residents on the proposed recommendations and provide Council with a summary of response(s).

There being no further questions or comments, without objection by Council, the Mayor advised that the briefing would be received and filed.

COMMUNITY PLANNING-COMPREHENSIVE PLAN: The City Manager advised that City staff, citizens and Council have spent considerable time engaged in the process of updating the City's Comprehensive Plan, Vision 2001. She stated that as the process comes to a close, City staff would like to brief Council on the status of the plan before the joint public hearing before Council and the City Planning Commission on August 20 to be followed by subsequent adoption of the plan by both bodies. She requested the opportunity to highlight those issues within the plan that are the most significant or controversial, or those issues that might require the greatest change in the community for the future. She stated that following adoption of the Comprehensive Plan, the Zoning Ordinance will be revised which will involve major implementation of many of the changes that are reflected in the Comprehensive Plan.

Evelyn S. Lander, Director, Community Planning, reviewed key components of the new Comprehensive Plan that have been developed over the past year with substantial public involvement. She called attention to a joint public hearing by City Council and the City Planning Commission which is scheduled for Monday, August 20, 2001, which means that final revisions will have to occur within the next

two weeks in order to present the document for public review before the August 20 public hearing. She presented the following information on plan themes which are critical to the success of the new Comprehensive Plan:

Regionalism is the key to addressing many of the goals and recommended policies of the plan. Council's continued leadership will be needed to move regional items forward and collaborate with other governmental officials.

Partnerships are essential to the plan because government cannot do it alone. Citizens, businesses, and civic organizations must take an active role in helping to achieve the recommendations of the plan.

Economic development initiatives are fundamental to both the economy and quality of life of the City and the region. Diverse economic development is the basis for housing opportunities and a sustainable population.

Protecting and enhancing Roanoke's environment is critical to maintaining its quality of life and encouraging economic development.

Housing opportunities must be enhanced in the City to provide better housing choices for a diversity of residents and incomes.

The design of buildings, streets, and developments must be of high quality that enhance the community. City government needs to provide leadership in encouraging development that creates a beautiful and attractive City.

Ms. Lander advised that key recommendations from the Housing and Neighborhoods section of the plan include:

One of the key recommended strategies for moving the City forward is to look at the City neighborhoods as villages that are served by small commercial centers. Raleigh Court and South Roanoke neighborhoods have vibrant community centers. Henry Street once provided such a center to the Gainsboro neighborhood. The plan identifies several neighborhood centers and recommends appropriate commercial and mixed housing opportunities around these centers. It is important to point out that the creation of these centers may result in the redevelopment of some existing neighborhood areas- -some demolition

of existing residential buildings may have to be done to provide for new mixed use development.

A strong emphasis is placed on creating new housing opportunities in the City—both in the choice of housing types and in the price ranges. It is important that citizens have choices in housing for all neighborhoods and that neighborhoods provide a range of homes, from affordable to high end.

Neighborhood plans will continue to be done for all City neighborhoods. Approximately one-third of the City has been studied and plans developed—some of which

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Environmental resources include greenways, mountain viewsheds, trees, historic resources and air and water quality. Specifically, the City and the region's environmental resources are very important to the City's quality of life and its future. In particular, greenways, viewsheds, and trees were identified as critical to Roanoke's future. The preservation and enhancement of historic properties is critical to understanding Roanoke's sense of place and its past history. Already, the City has seen controversy in some of its past policies regarding historic neighborhoods. However, it is important to note that the City Market and Roanoke's historic neighborhoods have been successful economic investment tools. Air and water quality is increasingly more important to Roanoke's future sustainability. New protection regulations will not be easy to deal with, but are very much needed to have quality air and water now and in the future.

The economic development plan element includes an expanded economic base, redevelopment of underutilized sites, town village centers and regional efforts. More specifically, economic development is fundamental to achieving the goals set forth in the Comprehensive Plan. The plan recommends an expanded economic base that targets various industry cluster. It is important that the City continue to diversify its economic base and consider new areas for redevelopment.

Downtown continues to be key to the City's economic well-being and downtown housing is recommended for expansion, as well as better utilization of second and third floor spaces. Village centers are keys to Roanoke's residential neighborhoods. These recommended commercial and mixed use areas will provide unique environments and services to residents, thereby competing well with surrounding suburb development that relies on the automobile. Regional economic development and approaches continue to be recommended.

Infrastructure include regional transportation planning, multi-modal systems (pedestrians, bicycles, transit), airport, and technology infrastructure. More specifically, transportation systems do not stop at jurisdictional lines. Regional planning for transportation systems is important to ensuring quality development that enhances existing built communities. The development of multi modal transportation systems for cars, pedestrians, bicycles and transit is strongly recommended in the plan. The City should not be dependent on cars for transportation. It should encourage sidewalks, greenways, and bicycle facilities as well as considering transit alternatives in the future. The regional airport is important to economic development and to the residents of the region. Special attention is needed to ensure quality facilities and operations that adequately serve its users. If Roanoke is to attract new technology and businesses that use the technology, infrastructure must be provided to service those users. Continued leadership is needed to work with private businesses to provide services and promote them as available.

Public services include community policing, recycling, code administration and multi-service facilities. More specifically, community policing as a philosophy for providing public safety continues to be emphasized in making Roanoke safe. Recycling also was identified as very important to a sustainable community. Roanoke's programs will need Council's continued leadership to emphasize recycling as important. Code administration for building, zoning, development, and nuisance regulations should continue to be improved to meet the needs of Roanoke's citizens and businesses. Careful balancing of interests is important to the success of any new regulations that may be proposed.

Two multi-service facilities (or centers) are recommended as pilot projects to better serve citizens where the needs are the greatest. These are not meant to duplicate services provided by City Hall, but to provide better access to citizens where it is needed and to have City

staff work collaboratively in the community to address issues and needs. It is important to note that there are not community centers and will not be in every neighborhood. They could, however, be located in existing public buildings in a neighborhood.

The people plan element includes quality education, excellent facilities and programs, lifelong learning, workforce development and regional approaches for human services. More specifically, it is essential that Roanoke's school system continue to provide quality education to its youth. It is important that the school facilities and programs be outstanding and open to all citizens beyond school hours. Life long learning is essential to Roanoke's future for both young and old. The City's libraries and schools should provide quality programs to enhance continued education. Workforce development, which is education and training, is critical to both economic development initiatives and that of people. Regional approaches to providing human services should be encouraged and pursued.

The City design plan element includes design principles and collaborative work efforts. More specifically, the design of new buildings and facilities is critical to creating a beautiful City. The plan provides recommendations for various areas of the City including commercial corridors, streets and neighborhoods. These principles are not mandatory but should be encouraged. It is anticipated that the principles would be promoted through collaborative work efforts between City staff and private developers.

Ms. Lander identified the following key initiatives: target industry clusters, technology infrastructure, redevelop commercial and industrial land, village centers, multi-service facilities, new housing opportunities, critical amenities, marketing and tourism, streetscapes and healthy economy. More specifically, she advised that the ten initiatives were discussed during the planning process to help make the plan a reality; and these initiatives can be referred to as the "top ten" action items to be pursued by both government and private entities.

Ms. Lander advised that implementation tools include the City's zoning ordinance, integrated budgets, regional cooperation and public-private partnerships. More specifically, she stated that to assist in implementing the plan, additional strategies must be undertaken, as follows:

A new zoning ordinance should be developed over the next year.

City operating budgets and capital improvement program budget should reflect the Comprehensive Plan and adopted Neighborhood plans.

Regional cooperation is necessary to effectively achieve many of the goals for the future.

Public private partnerships are essential to implementation of the plan. Government cannot do it alone.

In order to measure progress, Ms. Lander advised that it is recommended that the City administration provide Council and the citizens with an annual report card on actions taken or pending. In addition, she stated that it is recommended that community indicators be developed to assist in monitoring the sustainable community; discussions with Virginia Tech have already begun and the Vital Signs report from the New Century Council would also be of help. She added that continued citizen involvement is important to ensuring that Roanoke is doing what it needs to do; and ongoing planning for the City and its neighborhoods must continue.

Ms. Lander presented copy of public comments to date on the Comprehensive Plan.

Questions and comments by Council Members are summarized as follows:

Neighborhood schools should be celebrated. Is the City looking at the possibility of returning neighborhood schools to quadrants of the City? Neighborhood schools are the concept of the future in terms of neighborhood design.

Concern was expressed with regard to the condition of the main library in which the City Manager advised that the main library is addressed in the Downtown Roanoke Outlook Plan, with alternatives for Council's consideration. She stated that one recommendation has to do with re-siting a new library in Elmwood Park, but at a different location in order to maximize the park; and the other alternative is a total relocation of the library in order to provide for what is identified in the Outlook Roanoke Plan as a world class downtown park facility that would leave the entire park free of the building and would site the main library facility further into the downtown area. She further advised that at a future Council meeting, representatives of Downtown Roanoke, Inc., and the Outlook Roanoke Plan will be requested to make a presentation on all elements of the plan. In view of what is already on the plate and given the cost of a new library at either location, she stated that several years should be devoted to developing a constituency that will be

prepared to build a first class library facility. She explained that the library issue is at least five years into the future in terms of becoming a reality in view of other City capital needs and other City projects. Question was raised as to how one builds a constituency for a library that is in the condition of Roanoke's.

The zoning ordinance should be revised using a process of going street by street and block by block and if the process is done correctly, requests for zoning variances will be a rare exception.

What options are available for underground utility lines and any changes should be incorporated in revisions to the zoning ordinance.

Some time between now and the August 20 public hearing, there should be a prioritizing of those portions of the Comprehensive Plan that are realistic and can be accomplished on a fast track. Quarterly status reports should be provided.

Should low income subsidized housing be spread out, not only throughout the City but throughout the neighborhoods? Should there be a clustering of social service agencies throughout the City or in one area?

The plan is designed to help each neighborhood become more viable economically, town centers are a critical component, and all neighborhoods need to understand why town centers would be beneficial in the future.

There will be sensitive issues and the City must be prepared to face those issues.

What are the City's plans to make village centers successful; whereupon, the City Manager advised that the first step is to identify those areas where village centers are desired and create an expectation with future developers that that is the route the City wishes to follow and the City will not settle for less. She stated that the City serves as the link between the developer and the neighborhood because none of the centers will succeed unless the neighborhood uses the services, therefore, developers will have to go into the neighborhoods and determine what types of support services or activities the immediate community, as well as the transient community, is willing to support; the

City can then offer incentives through tax rebates, credits and certain kinds of rehabilitation; however, that which takes place on private property is the responsibility of the developer.

There being no further discussion or questions, without objection by Council, the Mayor advised that the briefing would be received and filed.

LEASES-HUMAN SERVICES: The City Manager introduced a briefing with regard to leasing a building for combined health, social services, and human services functions.

Vickie Price, Chief Social Work Supervisor, Department of Human Resources, advised that in the 1997 Long-Range Facilities Master Plan, Police Department and Health and Human Services space needs were identified as the top two priorities; needs of the Police Department are being addressed through a two-phase Capital Improvement Plan construction project; and the consultant determined the need for a one-stop Health and Human Services Building at approximately 90,000 square feet and an estimated cost of \$24 million. She stated that in October, 2000, a request for proposals was issued to determine developer interest in providing the proposed space; and at Council's March 10, 2001, Financial Planning Session, the City administration shared its intent to meet this space need through leasing and also discussed the fiscal year 2003 operation budget impact of the Health and Human Services Building.

She stated that Social Services, Health Department, Juvenile Justice, Human Services Coordinator and Office on Youth currently have 66,098 square feet of combined space, however, proposed space needs total 83,256 square feet. She advised that the advantage of leasing versus purchasing reduces up front capital costs for the City; the building will remain on the tax rolls should State funds be eliminated; the City is not liable for the building and associated costs; and most Federal and some State directives prefer the lease of real property.

Ms. Price advised that the advantages of the proposed location is the co-location of Health and Human Services functions which should result in improved public services; the site is accessible to Health and Human Services client populations; parking is available for clients and patients as well as staff; the location is supported by public transportation, with support installation of integrated data and communication systems, and sufficient staff/client training space and adequate office space. She reviewed a slide illustrating current limitations of individual office space and a slide showing proposed individual office space.

Ms. Price noted that a request for proposals was issued in October, 2000 for a facility to house Health and Human Services in one location (90,000 square feet); responses were received from representatives of the Cotton Mill Building at 6th Street, S. W., for \$1,728,191.00, the Heironimus Building on Jefferson Street for \$1,306,450.00 and the Sears Building on Williamson Road for \$1,305,957.00; and proposals were reviewed by representatives of Health and Human Services, the City Attorney's Office, and departments of Engineering, Finance, General Services and Management and Budget.

She explained that the proposal review committee selected the Sears building on February 7, 2001, as its top choice because the location is on bus lines and accessible to a majority of clients and patients; costs (proposed cost per square foot is within the original estimates) of \$13.27 per square foot for 83,236 square feet for a newly renovated building (build out cost of \$2.5 million), rent of \$1,104,541.72 per year for 20 years, \$801,807.00 annual reimbursement from the State, annual local share of \$302,734.72/\$3.64 per square foot; and parking in a lot that provides adequate parking for 397 spaces for clients, patients and staff. She advised that the City's responsibilities include design review and approval, direct installation of State-required computer wiring, cost of utilities, i.e. electric, water, sewer and review of renovation/construction cost documents; and the lease contractually obligates the landlord to invest \$2,497,080.00 in interior and exterior renovations, janitorial services and supplies, building maintenance, building repair and parking lot maintenance.

Ms. Price advised that the lease will be presented to Council for formal action on August 6, 2001, followed by submission to the State for review, complete detailed design drawings, with construction to be completed by August, 2002, and projected occupancy of the facilities during the first quarter of fiscal year 2003.

With regard to potential re-uses of the current space in Municipal North, the City Manager called attention to certain offices that are currently located off site from the Municipal Building complex and the first priority would be to bring those operations back to City Hall. Also, she called attention to the advantage of having the Roanoke Redevelopment and Housing Authority offices in the downtown area because of the close working relationship that will be required with the Housing Authority in the years ahead.

Question was raised as to whether Downtown Roanoke, Inc., has concerns with regard to the number of persons that will be leaving the downtown area as it relates to loss of business for downtown businesses; whereupon, the City Manager advised that Downtown Roanoke, Inc., is aware of the proposal and the President of

Downtown Roanoke, Inc., advises that Downtown Roanoke supports the concept of the Sears location which is not seen as having a negative impact.

There was discussion with regard to the 397 parking spaces that will also be available for civic center overflow parking in the evening.

It was explained that Social Service activities will be located on the second floor and a newly built third floor, the first floor will be vacant for other business purposes, the Health Department will be housed on the second floor and the third floor will also include administrative offices for each of the five agencies and office space for the remainder of staff.

Question was raised as to the proposed use of the current police building; whereupon, the City Manager advised that the plan previously reviewed by Council calls for demolishing the existing police building and using the space for parking for the entire complex.

Question was also raised as to the need for 86,000 square feet of available space, whereupon, Ms. Price advised that the department is required by State and Federal mandates to provide additional training for clients and staff and current space does not provide a sufficient area for training needs and visitation rooms. She stated that certain common areas will be shared such as conference rooms, kitchen space, etc.

The Mayor spoke to the advantages of considering the stadium/amphitheater issue in conjunction with the lease of the Sears building, because negotiations on both issues are closely related. He stated that in order for the stadium/amphitheater project to succeed, roadway adjustments will be needed and there is an opportunity to begin revitalization in the Wayne Street area.

The City Manager suggested that Council allow City staff to hire an architectural/engineering firm to prepare design work on the stadium/amphitheater project and to make recommendations on road improvements which could take six months or longer and would, in effect, delay the human services building project by another six months. She advised that there is the potential of convening a meeting of property owners along the Williamson Road area to discuss needed improvements which will help those businesses take advantage of additional traffic along Williamson Road when the stadium/amphitheater becomes a reality.

There were additional questions and comments with regard to the following:

What is the net cost of the lease compared with what it would cost if the principal only is reimbursed. Will improvements be added to the value of the property when calculating real estate taxes? Will a long term lease have any impact on the City's bonding capacity?

A shuttle bus could be provided for employees/clients of the building to the Williamson Road area and to downtown Roanoke from 12:00 noon until approximately 2:00 p.m.

A compatible tenant should be housed on the first floor.

Police vehicles should be parked at the rear of the building.

There being no further questions or comments, the Mayor advised that without objection by Council, the briefing would be received and filed.

There being no further business, the Mayor declared the meeting adjourned at 5:05 p.m.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

August 6, 2001

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 6, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----

1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Deputy Director of Finance; and Mary F. Parker, City Clerk.

CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in Closed Session to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Attorney to convene in Closed Session to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----

--6.

NAYS: None-----

---0.

(Council Member Harris was absent.)

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in Closed Session to discuss disposition

of real property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Manager to convene in Closed Session to discuss disposition of real property, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson
and Mayor Smith-----
--6.

NAYS: None-----
---0.

(Council Member Harris was absent.)

CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in Closed Session to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Attorney to convene in Closed Session to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----
---6.**

**NAYS: None-----
-0.**

(Council Member Harris was absent.)

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in Closed Session to discuss acquisition of real property for public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the City Manager to convene in Closed Session to discuss acquisition of real property for public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----

-6.

NAYS: None-----

0.

(Council Member Harris was absent.)

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the request of the Mayor to convene in Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----

6.

NAYS: None-----

0.

(Council Member Harris was absent.)

At 12:20 p.m., the Mayor declared the meeting in recess to be reconvened at 12:25 p.m., in the Emergency Operations Center Conference Room, Room 159, for a briefing with regard to amending the City's Fee Compendium to provide for revised fees for use of City park facilities and services.

At 12:25 p.m., the Council reconvened in a work session in the Emergency Operations Center Conference Room at which time the City Manager introduced a briefing on revised fees for use of the City's park facilities; whereupon, Wanda Reed, Acting Director, Parks and Recreation, presented proposed changes relating to

various services and facilities that the City makes available to its residents on a daily basis.

Ms. Reed advised that during the process of developing the Parks and Recreation Master Plan, the citizens committee recommended that the Parks Department develop a creative pricing strategy to provide flexibility to keep up with market rates and to enhance overall revenues; it had been hoped to bring a complete proposal to Council at the same time; however, Council's consideration is requested to increase fees for rentals when a user requests exclusive, or private, use of a facility; fees need to be adopted immediately; and in the fall, it is planned to ask Council to adopt a pricing strategy which will allow flexibility to set prices according to market condition.

She stated that staff met with representatives of the Roanoke Neighborhood Partnership Steering Committee to discuss recommended changes and to receive input, and it is important to note that Neighborhood Partnership organizations will not be charged to hold their regular monthly meetings in Parks and Recreation facilities.

She explained that the recommendation before Council at this time includes increasing rental fees for facilities and services already listed in the Fee Compendium; establishing formal rates for facilities not previously included in the Fee Compendium; establishing fees for two new facilities; Parks and Recreation provides an abundance of free programs and services to all residents, examples of

which are the use of parks, playgrounds, shelters and athletic fields on a first come, first serve basis unless reserved; many free recreation programs to the public and other programs are offered at a nominal cost; in addition, a scholarship program is offered for families who cannot afford to pay for their children to attend special programs and the Parks Department supported 33 programs for children last year, working in conjunction with the Department of Social Services.

Ms. Reed advised that a rental fee is charged only when someone requests exclusive use of a facility, which fees are charged to offset the cost of providing extra services for rentals, examples of which are weddings and receptions held at Mountain View, picnic shelter reservations and mobile stage rentals; in some instances, extra work is accomplished during normal work hours which takes away from other work, however, for most events, Parks and Recreation must pay overtime to employees. She advised that when a citizen pays a user fee for a facility, they expect and should receive a quality experience and current fees do not produce sufficient revenues to allow staff to appropriately maintain facilities in the manner that the facilities should be maintained.

She presented a list of existing facilities that will be affected by increased rental fees and noted that the fees are imposed only for exclusive use by reservation.

(See list of present and proposed fees on file in the City Clerk's Office.)

Ms. Reed stated that it is also requested that Council formally establish fees for use of the mobile stage, open space usage and for provision of trash receptacles. She explained that the previous City Manager authorized the Parks and Recreation Manager to handle these services administratively, however, today, it is requested to bring these items into compliance by having them formally included in the Fee Compendium. She stated that current practice has been to charge \$600.00 for the mobile stage, however, the recommendation before Council provides flexibility for charging depending on the type of event and whether the user profits from use of the mobile stage; for open space rentals, the current charge has been \$50.00 per day, but because these types of events remove a portion of the park for general public use, it is recommended that \$150.00 per day be charged, with a damage deposit of \$150.00, which will cover the cost of a special mowing and cleaning of the park and restrooms and also help the department to repair damage to the grass caused by the event. She stated that \$2.50 is currently charged for trash containers which is the City's cost to purchase the containers, but because the City does not wish to be in competition with the private sector, it is recommended that a charge of \$4.00 per container be charged.

She advised that the City has built two new facilities this year: The Discovery Center and the new picnic shelter on Mill Mountain and both of these facilities will be extremely popular for private use; it is recommended that \$175.00 be charged for The Discovery Center for the first two hours, plus \$50.00 for each additional hour, with a \$100.00 damage deposit, or \$200.00 damage deposit if alcohol is permitted; fees for other shelters throughout the City are already included in the Fee Compendium;

current rental fee for shelters is \$25.00 for a half day and \$35.00 for a full day, therefore, only a \$5.00 increase is requested; and for the Mill Mountain Park picnic shelter, because of its premier location, it is requested that Council establish a fee of \$45.00 for a half day and \$60.00 for a full day.

She explained that the demand for programs and services continues to grow; it is believed that the General Fund should support services available to the entire community and should not be used to support private functions; in addition, the cost of business has increased, along with personal services, custodial contracts and utility costs; rental fees have not increased in the past ten years; the request before Council is not an attempt to recover this deficit all at once, but a small increase is proposed to help cover some of the department's operational costs because Roanoke's Parks and Recreation Department needs to keep up with the market and stay within the going rate of other jurisdictions with similar facilities and services.

It was noted that Parks and Recreation's annual budget is just under \$6 million which includes both recreation and parks maintenance; seven per cent of the total operating budget is generated through recovered costs; and in comparison to other localities, Roanoke's total recovered costs are low, because across the country, other localities are collecting between 10 and 60 per cent, depending on pricing policy and demographics.

Ms. Reed advised that currently, the City collected \$47,000.00 in rental fees; and by allowing the Parks and Recreation Department to increase these fees as recommended should increase rental revenues by 28 per cent, or \$18,000.00, thereby enhancing total rental fees to \$65,000.00.

Victor C. Garber, Recreation Superintendent, advised that the criteria used to review which facilities and services should be increased to establish the value of the private rental experience included:

Size, location and condition or appearance of the facility,

Demand for the service or facility: i.e.: tennis courts are rarely rented - no change,

The going rate or price of similar facilities/services in other jurisdictions such as Montgomery County, Blacksburg, Bedford City, and Roanoke County, longevity rate of equipment, and

Inflation and cost of providing the service.

He reviewed increases proposed for the following facilities:

Mountain View is the most heavily used rental facility, providing 88 rentals per year. A majority of the rentals are wedding receptions which demand considerable staff time to work out the arrangements with the wedding party. It is also the most expensive facility to operate, with utility costs last year totaling \$23,400.00. A 30 per cent increase is proposed, or an increase from \$115.00 to \$150.00 for a two hour rental. The fee is requested due to the demand on this special historic home and the added maintenance cost. A refundable damage deposit, as well as a cancellation fee, will also be charged.

Rose Garden located just below Mountain View. There are occasional special requests to rent the Rose Garden during wedding receptions at Mountain View Center. It is proposed that a \$75.00 per day fee be imposed for City residents which will pay for special weeding, clippings of dead flowers and mowing. A \$100.00 refundable damage deposit will be charged along with a cancellation fee.

Athletic field dragging and marking - this fee was added to take care of special lining requests. Presently, no policy exists to line a football field, flag football, soccer field and complete lining for softball and baseball. The present \$25.00 fee does not pay for the labor and supply cost of marking these fields.

Mill Mountain Shelter - This fee will be somewhat higher than other facilities because of its premier location – \$45.00 for a half day and \$60.00 for a full day.

Elmwood Park Amphitheater - The specially designed canopy for the amphitheater cost approximately \$5,000.00. The canopy is presently stored, erected and taken down by a private company. The private company charges users to put up and take down the canopy; however, the problem has been that all renters request the canopy to remain up, therefore, the first renter pays the private company for set up and the remaining renters pay no additional costs.

The fee will cover the cost of wear and tear on the canopy and provide a fair price for all users.

Mobile Stage - the mobile stage was purchased in 1998 and cost the Parks and Recreation Department \$600.00 to deliver, set up, supervise, breakdown and return for an eight hour period. It is requested to add this rate to the Fee Compendium, along with an additional price for organizations that make a profit from using City facilities: non-profit organization (charging a fee) \$900.00 and private individual or corporate rental charging a fee - \$900.00 + 15 per cent gross collected.

A summary of questions and comments by Council Members is as follows:

There have been audit and accountability issues relative to some of the rental programs. What accounting controls will be used to ensure that all funds are reported.

There should be some flexibility in charging for commercial purposes, but the fee should not drop below the minimum.

Fees should not be compared to the Jefferson Center which is exorbitantly priced to the extent that some persons cannot afford to use the facility. Staff was requested to obtain information on rental charges at the Salem Civic Center and the Vinton War Memorial.

A City of Roanoke elementary school recently held an outing in Longwood Park in Salem as opposed to using a City park. Was this due to the City's fee structure?

There was discussion with regard to addressing City school activities in the Fee Compendium, i.e.: the school system should be encouraged to use City parks facilities for field trips and there should be special exceptions for City schools.

As related to the Discovery Center, the City should not compete with private business. There is a demand to have weddings and wedding receptions at the Discovery Center which takes X number of dollars per

year away from the private sector. The City should be careful to ensure that pricing for the Discovery Center is competitive with the private sector.

Costs associated with maintaining the Rose Garden at Mountain View and whether the City should be in the wedding chapel business.

The question of whether there are local groups/learning institutions that could maintain horticultural areas.

The question of whether historic homes should be used for recreational purposes.

How does increasing the City's fee structure for recreational facilities coordinate with the City's capital needs?

Parks were established for the use and enjoyment of all citizens and if fees are charged that are too costly, citizens will not use the City's facilities.

Non-City residents should be required to pay a fee.

As the fee structure is reviewed, there should be consideration toward keeping fees and costs for children at a bare minimum.

Charges for mobile stage rental for activities sponsored or co-sponsored by the City's Special Events Committee.

It was the consensus of Council that questions, comments or concerns by the Members of Council with regard to the proposed increases would be provided to the City Manager within seven days.

The City Manager pointed out that Council is scheduled to hold a joint meeting with the Roanoke City School Board on Monday, August 20, 2001, at 5:00 p.m., and a topic for discussion could be the fee schedule for City schools using Parks and Recreation facilities, as well as City activities conducted on School properties.

There being no further discussion, and without objection by Council, the Mayor advised that the briefing would be received and filed.

At 2:00 p.m., on Monday, August 6, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----

---7.

ABSENT: None-----

--0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Deputy Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend William Joseph Greene, Pastor, Preston Oaks Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS:

ACTS OF ACKNOWLEDGEMENT: Mr. White offered the following resolution paying tribute to the National D-Day Memorial Foundation:

(#35483-080601) A RESOLUTION paying tribute to the National D-Day Memorial Foundation, and expressing to it the appreciation of this City and its people for its outstanding endeavor to commemorate the importance and significance of June 6, 1944, and to honor those who fought for our country on the beaches of Normandy on that historic day.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35483-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

The Mayor presented a ceremonial copy of the resolution to John R. (Bob) Slaughter, Chair, National D-Day Foundation.

SCHOOLS: The Mayor introduced Dr. Robert Sandel, President, Virginia Western Community College.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 6, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard, on the request of Southside Development Company that a parcel of land containing 4.05

acres, more or less, situate at the southeast terminus of Bean Street, N. W., identified as Official Tax No. 2280601, be rezoned from C-1, Office District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times once on Friday, July 20, 2001, and once on Friday, July 27, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the purpose of the request for rezoning is to allow the construction of mini-warehouses on the vacant property, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following ordinance:

(#35484-080601) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 714, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35484-080601. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter.

Fredrick Williams, President, Williamson Road Action Forum, 3725 Sunrise Avenue, N. W., advised of concerns regarding the proposed rezoning, which is poor land use because a mini warehouse does not provide the best use of the property. He stated that the City has assumed the cost of supplying the site with water and sewer service and it would be preferable to establish a development on the site that will purchase these facilities from the City. He further stated that the proposed use will create few jobs in the City, and if the warehouse has as many as four employees, that would equal one job per acre which would make the warehouse ineligible in a site such as the Roanoke Centre for Industry and Technology. He added that the report of the City Planning Commission lists three recommendations from the Comprehensive Plan, however, public discussion of the proposed development did not focus on conserving and enhancing neighborhood quality or promoting quality development for good land use. Instead, he stated that the focus was on the fact that Hershberger Road has chaotic traffic patterns, with conflicts between commercial, retail and residential land uses, ad hoc rezonings have not been good

for the City of Roanoke and Roanoke would be better off planning appropriate land uses; ad hoc rezonings deprive neighborhoods of the predictability that is necessary to encourage investment. He advised that if Roanoke wants to provide high quality development in its neighborhoods, it should provide security for property value through careful land use planning and design control. He explained that the Edinburgh Drive elevation of the warehouse, with its metal fence which is at least 14 feet above street level and has four gazebos, resembles a minimum security prison. He stated that prior to the City Planning Commission's public hearing, the petitioner offered to improve the exterior of the facility to allay neighborhood concerns regarding building appearance, therefore, on the side of the building fronting on Edinburgh Drive, if the rezoning is approved, the petitioner should be held accountable to his proffer. He advised that a specific landscape plan should be proffered as a part of the rezoning, otherwise, there will be dead landscaping material and many disillusioned citizens. He stated that most residents of the area reluctantly accepted the development; however, it is unfortunate that citizens of the City of Roanoke resign themselves to something bad because they are fearful that they could get something worse, and that attitude should occasion serious soul searching by the City.

Mr. Natt advised that the matter has gone through an extensive series of neighborhood meetings; his client met on a number of occasions with the Executive Committee of the Williamson Road Action Forum and with residents in the immediate area; the Executive Committee of the Williamson Road Action Forum took no position and after meeting with approximately 20 persons from the neighborhood, the majority

of residents did not oppose the project. He stated that residents of the area have good reasons to accept the proposal, one of which deals with the issue of accessibility, because the neighborhood was desirous of ensuring that there would be no other access to the property other than by way of Williamson Road; therefore, his client is willing to honor the request. He added that residents were concerned about traffic, noise, and lights and explained that the proposed use is a small traffic generator, lighting is reserved for the interior of the building, and there is no metal fence around the outside of the structure. He stated that the City Planning Commission recommended unanimously in favor of the proposal and asked that Council lend its support to the request.

Upon question by a Member of Council, Mr. Natt advised that his client is willing to proffer a landscaping plan.

Mr. Bestpitch inquired as to the total number of parcels of land in the City of Roanoke of approximately four acres that are currently zoned Light Manufacturing District that might be available for this type of development; whereupon, the City Manager advised that she could not provide an accurate number at this time. Mr. Bestpitch advised that there are properties currently zoned for this type of development throughout the City, therefore, there is no information before Council to suggest the need to rezone the property in question; or any other property in the City, in order to make four acres of light manufacturing land available for this type of development. He stated that he will continue to express his concern regarding these types of issues because there are properties that need to be developed in the City, yet, rather than encourage the properties to be developed, the City, in essence,

is denying these property owners the opportunity to have their property developed because a petitioner can request that a different piece of property be rezoned for their intended purpose. In summary, he advised that there is no need for the City of Roanoke to rezone additional property to Light Manufacturing inasmuch as property that is already zoned LM currently exists in the City of Roanoke.

Ordinance No. 35484-080601 was adopted by the following vote:

**AYES: Council Members White, Wyatt, Carder, Harris, Hudson
and Mayor Smith-----**

--6.

NAYS: Council Member Bestpitch-----

1.

The Mayor declared the public hearing closed.

CITY PROPERTY-LEASES-SCHOOLS: Pursuant to action of the Council, the City Clerk having advertised a public hearing for Monday, August 6, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to lease City-owned property consisting of a 7.2-acre portion of Official Tax No. 1570101, located at 3379 Colonial Avenue, S. W., to the New Vista Montessori School for an initial term of one year, with an option to extend the lease for up to four additional one-year terms, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, July 29, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A communication from the City Manager advising that the New Vista Montessori School, a private not for profit 501 C(3) agency, has been established in Roanoke to provide quality education to pre-school and kindergarten age children using the Montessori philosophy; the previous Montessori School, the Specific Reading and Learning Difficulties Association, recently canceled its lease effective September 1, 2001, and the New Vista Montessori School has approached the City about leasing the property located at 3379 Colonial Avenue; the current assessed value of the property (7.2 acres, 8,000 sq. ft. building) is approximately \$860,000.00; and a 2001 Roanoke Office Market Report indicates the lease rates for office buildings in the Colonial Avenue area currently range from \$7.00 to \$17.00 per square foot.

The City Manager recommended that she be authorized to execute a lease between the City of Roanoke and the New Vista Montessori School for a one year term, in the amount of \$6,000.00, with the right of the New Vista Montessori School to renew, with concurrence of the City, for up to four additional one-year terms at an annual rental rate to be agreed upon at the time of renewal.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following ordinance:

(#35485-080601) AN ORDINANCE authorizing the proper City officials to enter into an Agreement of Lease between the City and New Vista Montessori School, for use of a 7.2 acre portion of Official Tax No. 1570101, at 3379 Colonial Avenue, S. W., in the City, for operation of an educational facility for children, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35485-080601. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter.

Elizabeth Cranwell, 1911 Mountain View Road, Vinton, Virginia, representing the Parents Association of the New Vista Montessori School, advised that her child was a student at the former Montessori School on Colonial Avenue, and since its abrupt closing, a group of parents and faculty formed a new Montessori School which is proposed to open this fall. She requested that Council authorize a lease agreement with the New Vista Montessori School for the Colonial Avenue property that housed the former Montessori School. She stated that Council has shown its

commitment to providing early childhood educational options for children at all development levels, and the New Vista Montessori School will help to fulfill a portion of that commitment.

Jeffrey Krantz, Director, the New Vista Montessori School, advised that the school will serve as a private, not for profit 501(C)(3) school to serve educational needs of children in the greater Roanoke area. He stated that using the proven success of Dr. Marie Montessori's methods that allows the child to progress at his or her own pace or functioning level, with a hands on approach, allows a child to develop a solid and positive first school experience. He advised that the Roanoke Valley currently has three Montessori schools in operation and according to regional statistics, the Roanoke area has recently experienced tremendous growth in population, which is expected to continue and in order to meet the diverse educational needs of newcomers and native Roanokers, educational programs must be in place such as that which is offered by the New Vista Montessori School. He stated that the long term advantages of the program allows the child to have a solid, positive, first school experience with a strong foundation in academic skills as an added benefit. He explained that the New Vista Montessori School will initially serve ages three through six and plans are underway to add an elementary program over the course of two years.

Mr. James Garris, 3108D Honeywood Lane, advised that he lives in close proximity to the New Vista Montessori School, and spoke in support of the education that children receive through solid educational teaching methods by teachers who are dedicated to their profession and parents who are involved in the education of

their child. He stated that over the long term, the City is looking to commercial uses and the smooth transition of apartments, the New Vista Montessori School and property in the vicinity of Roanoke County. He requested that Council consider the needs of Roanoke County residents along Colonial Avenue in conjunction with the needs of City residents just behind this particular area.

Ordinance No. 35485-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----
---7.

NAYS: None-----
---0.

The Mayor declared the public hearing closed.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, July 2, 2001, and the Third Leadership Summit held on Thursday, July 12, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by **Mr. Hudson** and adopted by the following vote:

AYES: Council Members **White, Wyatt, Bestpitch, Carder, Harris, Hudson** and Mayor **Smith**-----
---7.

NAYS: None-----
---0.

CITY PROPERTY-LEASES-HOSPITALS: The City Manager submitted a communication advising that on June 18, 2001, the City of Roanoke received an offer from Carilion Health Systems, Inc., to purchase 2.8 acres of City property located on Colonial Avenue, which is part of an unsubdivided parcel on Official Tax No.1570101; current appraised value of the 2.8 acre property is \$365,000.00; and in order to consider the sale of such property, Council must hold a public hearing.

The City Manager recommended that Council authorize the City Clerk to advertise a public hearing for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider entering into a sale agreement for real estate in the amount of \$375,000.00.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.

NAYS: None-----
---0.

ANIMALS/INSECTS-CITY CODE-COMPLAINTS: The City Manager submitted a communication advising that Section 6-7 of the City Code permits the keeping of cattle, sheep, goats, or swine in areas zoned for agricultural use when pens are at least 300 feet from residential property lines or on farms that are a minimum of five acres in size; in addition, the City Code allows a person to keep one sheep or goat as a household pet in residential areas; recently, residents of Old Southwest

reported problems with a goat and complained that conditions were poor and the smell was a nuisance; a petition was submitted to the City Manager on July 9, 2001, complaining about the noise, smell, and flies in the neighborhood, and requested that the outdated ordinance be revised; and in the interim, the property owner has been cited by Animal Control and was convicted in court of a public nuisance and fined.

The City Manager recommended that Council authorize a public hearing to amend the City Code to prohibit goats and sheep as household pets in residential areas.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----
---7.

NAYS: None-----
---0.

HOUSING/AUTHORITY: A communication from Bruce L. Robinson tendering his resignation as a member of the Fair Housing Board, was before Council.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.

NAYS: None-----
---0.

ROANOKE ARTS COMMISSION-OATHS OF OFFICE-COMMITTEES: A report of qualification of Will Trinkle as a member of the Roanoke Arts Commission for a term ending June 30, 2004, was before Council.

(See Oath or Affirmation of Office on file in the City Clerk's Office.)

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----**

---7.

NAYS: None-----

---0.

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS:

COMPLAINTS-WATER RESOURCES-EMERGENCY MEDICAL SERVICES: Mr. Herbert Consider, 4334 Camille Avenue, N. W., appeared before Council and complained about a late charge that was imposed by the City on his water bill, in addition to a disconnect fee.

He advised that his wife was ill and they frequently had to call 9-1-1 for ambulance service. In addition, he stated that water service should be provided free of charge due to the taxes he pays to the City of Roanoke.

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS-VICTIM/WITNESS/JUROR PROGRAM: A communication from the Honorable Donald S. Caldwell,

Commonwealth's Attorney, advising that the Victim/Witness Assistance Program has been awarded a 12 month \$100,679.00 grant (#02-H8554VW01) for the period July 2001 through June 2002; the grant from the Department of Criminal Justice Services (DCJS) will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses in accordance with the Virginia Crime Victim and Witness Rights Act; the Program continues to operate with a full-time coordinator for the Circuit Court, as well as one full-time assistant for the Juvenile and Domestic Relations District Court and one full-time assistant for the General District Court; the Program is coordinated by the Office of the Commonwealth's Attorney; and the cost to the City would be \$25,671.00 as a local cash match, for a total grant budget of \$126,350.00.

The Commonwealth's Attorney recommended that Council accept Victim/Witness Grant No. 02-H8554VW01 for \$100,679.00, with the City to provide \$25,671.00 as a local cash match from funds provided in the Transfer to Grant Fund Account in the fiscal year 2001-02 budget, for a total grant of \$126,350.00; and authorize the City Manager to execute all appropriate documents to obtain Grant No. 02-H8554VW01, appropriate \$126,350.00 in revenue accounts to be established in the Grant Fund by the Director of Finance, and appropriate \$126,350.00 to certain expenditure accounts.

(For full text, see communication on file in the City Clerk's Office.)

The City Manager submitted a communication concurring in the recommendation of the Commonwealth's Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following emergency budget ordinance:

(#35486-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. White moved the adoption of Ordinance No. 35486-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----

---7.

NAYS: None-----

-0.

Mr. White offered the following resolution:

(#35487-080601) A RESOLUTION authorizing the acceptance of Grant No. 02-H8554VW01 made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35487-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
--0.**

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate the following funds, was before the body:

\$245,000.00 for the Reading Excellence Act grant for Hurt Park Elementary School to provide children with the readiness skills they need to learn to read during the early childhood years. This new

program has been funded by Federal funds in the amount of \$245,000.00.

\$200,000.00 for the Reading Excellence Act grant for Fallon Park Elementary School to provide children with the readiness skills they need to learn to read during the early childhood years. This new program has been funded by Federal funds in the amount of \$200,000.00.

(For full text, see communication on file in the City Clerk's Office.)

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35488-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35488-080601. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----

---7.

NAYS: None-----

--0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BONDS/BOND ISSUES: A resolution authorizing the issuance of \$31,245,000.00 of general obligation bonds, having previously been before the Council on Monday, July 16, 2001, and defeated by a 3- 3-1 vote of the Council (two Council Members were absent), Ms. Wyatt moved for a reconsideration of the resolution. The motion was seconded by Mr. Bestpitch and adopted, Mr. Hudson voted no.

The City Manager and the Director of Finance submitted a joint communication advising that on June 18, 2001, Council endorsed and concurred in the recommendations contained in an update to the Capital Improvement Program (CIP) for Fiscal Years 2002-2006, which included a list of new capital improvement projects and funding scenarios; and consistent with recommendations in the CIP update, the following capital projects contained in the updated plan need to be funded by the next issuance of bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia):

| | |
|---------------------------------------|-------------------------|
| Crystal Spring Water Filtration Plant | \$ 5,445,000.00 |
| Curb, Gutter and Sidewalk Program | 5,000,000.00 |
| Schools | 4,600,000.00 |
| Stadium/Amphitheater | <u>16,200,000.00</u> |
| Total | <u>\$ 31,245,000.00</u> |

The City Manager and the Director of Finance recommended that Council adopt a resolution authorizing issuance of \$31,245,000.00 general obligation bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia).

(For full text, see communication on file in the City Clerk's Office.)

Mr. Bestpitch offered the following resolution:

(#35489-080601) A RESOLUTION authorizing the issuance of thirty-one million two hundred forty-five thousand dollars (\$31,245,000) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for such City; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Bestpitch moved the adoption of Resolution No. 35489-080601. The motion was seconded by Ms. Wyatt.

Mr. Hudson advised that the question is not whether he is for or against those items included in the \$31 million bond issue, but the fact that the citizens of Roanoke are not being offered an opportunity to vote on the question through a bond

referendum. He stated that Council previously voted for \$25 million worth of bonds that have not been issued, and another \$31 million in bonds are now proposed, which means that this fall, the City will go to the bond market with over \$56 million in outstanding bonds which will not be presented to the voters in the form of a bond referendum. He called attention to approximately \$250 million worth of City projects that are unfunded which need to be addressed between the years 2002 and 2006 according to information provided by the City Manager.

Mr. Carder advised that from 1992 to 1999, there have been times when the City did not go to bond referendum and in those instances when a bond referendum was held, it was associated with a tax increase. He called attention to a policy established by Council which provides that debt limit cannot exceed ten per cent of the assessed value of real estate in the City of Roanoke and inquired as to the City's current debt limit; whereupon, the Deputy Director of Finance advised that the debt policy that was adopted by Council provides that the general obligation bonded debt will be a percentage of the value of real estate, and, if one makes the assumption that the City will issue \$56 million of bonds, the City's debt would be a little over four per cent.

Vice-Mayor Carder advised that net debt per capita is currently set at \$2000.00 and with the proposed \$31 million bond issue, the City's debt per capita would be approximately \$1885.00.

In an effort to clarify questions, Mr. White suggested that the City Manager provide information to the public by highlighting portions of a communication from the Director of Finance dated July 30, 2001, regarding the City's debt service and its history on bond referenda versus no bond referenda.

Mr. Bestpitch advised that the projects contained in the proposed \$31 million bond issue are important if the City is to maintain a growing economy, and progress is needed that provides additional jobs, opportunity and prosperity for all citizens. He stated that to suggest that Council has too many big spenders who agree with every request for funding demeans the hard work of the Council in several work sessions and planning meetings. He added that the City's "wish list" is much longer than this bond issue can support, and Council worked as a group to narrow the list to those projects that it considered to be the most important at this time.

The Mayor raised questions in regard to when the debt limit was set at \$2,000.00 per capita, compared with previous years, and advised that the City's debt is growing at a much faster rate than inflation. He stated that the City of Roanoke does not have to be in debt in order to be a functional government. He added that his concern did not center around any specific item in the proposed \$31 million bond issue, but its cumulative effect on the City of Roanoke. He inquired as to annual debt service on the \$31 million bond issue, to which the Deputy Director of Finance responded that it would be in the range of approximately \$3 million; whereupon, the Mayor stated that Council has the option of either raising taxes to generate \$3 million in debt service or take \$3 million out of an item that is currently funded by the City.

He advised that he would vote in favor of the \$31 million bond issue to go along with what appears to be the majority wishes of Council.

The City Manager advised that there is no intent to raise taxes as a result of the \$31 million general obligation bond issue. She stated that approximately one year ago, Council reviewed a five year expenditure that included the first of the two high school replacements/renovations at which time City staff was instructed to begin to build debt service so that the City could fund the additional debt, along with other debt that was being issued, and staff was also instructed to recommend a budget to Council for fiscal year 2001-02 that funded additional debt service, a compensation package for City employees and certain new initiatives for the general operation of the City, all without a tax increase. She explained that the proposed \$31 million bond issue does not require the raising of taxes, nor is it intended that staff look at raising taxes as a way to fund capital improvements. She stated that the City organization is committed to “tightening our belts” as an organization, and reducing expenditures in order to make funds available for the additional debt that Council identifies as needed.

Mr. Harris advised that his support is based on three tests that this or any other bond issue must pass in order to receive his vote, i.e.: (1) are the projects worthwhile, in the best interest of the community, progressive, fiscally responsible, and are they items worthy of doing sometimes ahead of other worthwhile projects; (2) have the items been thoroughly reviewed within the concept of the Capital Improvement Program by Council and the City administration; and (3) does the

additional debt fall within the parameters of the City's fiscal policy as established by the Council in 1999 regarding the issuance of bonds and the retirement of debt. He stated that the \$31 million in general obligation bonds pass the abovedescribed criteria, therefore, he will vote in favor of adoption of the resolution.

Mr. Bob Zimmerman, 1501 Langhorne Avenue, S. E., advised that he could remember a time when the Commonwealth of Virginia was a pay as you go state, the state did not have a debt and he spoke in support of going back to those days. He suggested that the \$31 million general obligation bond issue be postponed for a period of time until the City's debt is to the point where it will not incur millions of dollars a year in interest. He expressed concern with regard to the declining population of the City of Roanoke.

Ms. Wyatt advised that projects listed in the \$31 million bond issue pertain to the City's infrastructure needs and economic development efforts, school improvements and other positive actions all depend on infrastructure improvements/maintenance that provide the skeleton for the City's future. Therefore, she stated that the overriding issue is to provide the type of infrastructure that the City of Roanoke needs to promote quality of life for its citizens.

Resolution No. 35489-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----

---6.

NAYS: Council Member Hudson-----

1.

HUMAN DEVELOPMENT-LEASES: The City Manager submitted a communication advising that the City's Long-Range Facilities Master Plan, completed in February 1997, recommended that additional space be secured for Health and Human Services activities which include Social Services, Juvenile Justice Administration, Office on Youth, Homeless Program, and the Health Department; a lease is recommended rather than purchase because the State reimbursement for Health and Social Services Departments will provide partial funding for lease payments, but will not provide funding for purchase; consolidation of services in one location would allow a more efficient delivery of services to customers; the project was reviewed in detail with Council during the March Financial Planning Session; three proposals were received in response to the City's request for proposals in October 2000, which included the Sears Building, the Heironimus Building, and the Cotton Mill Building on Sixth Street; a team composed of representatives of the affected departments and other City staff reviewed the proposals; and the team agreed that the proposal for the Sears Building best met the requirements; and negotiations with Sawyer Properties, Inc., agent for the owner, Blue Eagle Partnership, have been completed.

It was further advised that the proposed lease is for a 20 year term ending June 30, 2022, for approximately 83,236 square feet, with an annual lease payment of \$1,104,541.00, which includes janitorial service and routine maintenance; the lease also provides that each party will indemnify and hold harmless the other from and against any and all suits, actions, loss, damage, liability, and expense occasioned by or resulting from any default hereunder or any negligent act on its part, its agents, employees or invitees; the State Departments of Health and Social Services will participate in the lease payment by contributing 59.4% and 80%, respectively, of their prorated lease expense, based on the percentage of space utilized, including common areas; the City's share will be funded in the annual operating budget beginning with the 2002-03 fiscal year; the State Department of Health and Social Services will fund approximately \$802,000.00; and both annual lease payments are subject to annual appropriations.

The City Manager recommended that she be authorized to execute a lease agreement with Blue Eagle Partnership, in a form to be approved by the City Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance:

(#35490-080601) AN ORDINANCE authorizing the City Manager to enter into an agreement with Blue Eagle Partnership for the lease of office space at the Civic Mall,

located at 1502 Williamson Road, for use by the Roanoke City Department of Social Services, upon certain terms and conditions, and dispensing with the second reading of the title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35490-080601. The motion was seconded by Mr. Carder.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested clarification as to whether the Human Service Department will occupy space in the Roanoke Neighborhood Development Corporation's Crewe Suites building; whereupon, the City Manager responded that the City's commitment to lease approximately 15,000 square feet in the Crewe Suites building to be developed by RNDC remains unaffected by this action.

Ms. Bethel inquired as to when RNDC will hold a community-wide meeting to inform citizens as to the status of its activities and objectives; whereupon, Ms. Wyatt, Council's liaison to the Roanoke Neighborhood Development Corporation, advised that RNDC holds an annual meeting to which the public is invited and, in addition, monthly meetings are held at the Southwest Virginia Community Development Center on the third Thursday of each month at 6:00 p.m. As Council's liaison to RNDC, Ms. Wyatt advised that she would be pleased to present questions and/or concerns to the Board of Directors.

Ordinance No. 35490-080601 was adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris
and Mayor Smith-----**

-6.

NAYS: None-----

-0.

(Council Member Hudson abstained from voting.)

NEIGHBORHOOD ORGANIZATIONS-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that historically the Northwest Neighborhood Environmental Organization (NNEO) has received Community Development Block Grant (CDBG) funds from the City to conduct housing and other community development projects in the Gilmer neighborhood; the original agreement for the NNEO “McCray Court Senior Living” project was executed on September 26, 2000, and provided \$300,000.00 in CDBG funds; on May 7, 2001, Council authorized funding for continued architectural, engineering and construction costs associated with the “McCray Court Senior Living” project, pursuant to Resolution No. 35319-050701, which approved the submission of the City’s Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD); an amendment to the Agreement with NNEO is necessary in order to provide

additional funding for NNEO to continue to develop the McCray Court Senior Living project; and funding is available in Account No. 035-G02-0237-5297, in the amount of \$277,750.00.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the “McCray Court Senior Living” Subgrant Agreement with the Northwest Neighborhood Environmental Organization.

(For full text, see communication on file in the City Clerk’s Office.)

Mr. Harris offered the following resolution:

(#35491-080601) A RESOLUTION authorizing the execution of Amendment No. 1 to a Subgrant Agreement between the City and Northwest Neighborhood Environmental Organization, dated September 26, 2000, for funding to develop the McCray Court Senior Living Project.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35491-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----**

--7.

NAYS: None-----

---0.

PUBLIC WORKS-SNOW REMOVAL: The City Manager submitted a communication advising that highway deicing salt is used for snow and ice removal on City streets; and the Streets and Traffic Division, through its Snow and Ice Removal account, will purchase the necessary deicing salt to have on hand and available for use as needed to address inclement weather problems.

The City Manager recommended that Council authorize issuance of a purchase order for 2,700 tons of highway deicing salt from Cargill, Inc., Salt Division, at a cost of \$37.75 per ton, or total cost of \$101,925.00.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following resolution:

(#35492-080601) A RESOLUTION accepting the bid of Cargill, Inc., Salt Division, for deicing salt, upon certain terms and conditions, and awarding a contract

therefore; authorizing the proper City officials to issue the requisite purchase order; and rejecting all other bids made to the City for the work.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35492-080601. The motion was seconded by Mr. Bestpitch.

Ms. Wyatt advised that because weather conditions were mild last winter, the City did not exhaust its supply of deicing salt, and inquired as to the amount of funds the City will spend on deicing salt for the year 2001, compared with 2000; whereupon, the Assistant City Manager for Operations advised that last year, approximately 1600 tons of deicing salt were used, the supply is currently at approximately 3000 tons, therefore, there will be less expense incurred this year, and he would provide Council with the dollar amount following the Council meeting.

Resolution No. 35492-080601 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----

---7.

NAYS: None-----

---0.

CITY MARKET-DOWNTOWN ROANOKE, INCORPORATED: The City Manager submitted a communication advising that the City Market continues to be an asset to the City of Roanoke; for several years the City of Roanoke has contracted with Downtown Roanoke, Inc., (DRI) to manage curbage spaces, in the City Market; a new Agreement has been drafted to allow DRI to continue to manage those spaces, but allows DRI to retain the monies collected from vendors as compensation for DRI's services, and to provide for marketing, advertising and coordination with the market association; Council will continue to approve any license fee modifications established in the Fee Compendium; and fees are under review and may need to be modified in the future to address increased expenditures in operation of the spaces.

The City Manager recommended that she be authorized to execute an Agreement for the above services between the City of Roanoke and Downtown Roanoke, Inc., for a period of one year, from September 1, 2001, through August 31, 2002, with up to four one year extensions, upon mutual agreement of the parties, such Agreement to be approved as to form by the City Attorney; to confirm current rates for use of such spaces; to amend the Fee Compendium; to periodically designate a portion of the curbage fees to be used for promotion of the City Market and to take such further action as is necessary to implement the Agreement; and that Council adopt a budget ordinance to eliminate the City Market Cost Center, reduce the revenue estimate related to market rents; and transfer remaining utility expenses to other operating budgets.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35493-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35493-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

Mr. Carder offered the following resolution:

(#35494-080601) A RESOLUTION authorizing the execution of a Management Agreement between the City of Roanoke, Virginia, and Downtown Roanoke, Inc., (DRI) that will authorize DRI to act as the City's agent to manage and license curbage

spaces in the Roanoke City Market; confirming the current rates for the use of such curbage spaces; directing an amendment of the Fee Compendium; and authorizing the City Manager to designate a portion of the curbage fees to be used for promotion of the City Market and to take such further action as is necessary to implement and administer the terms of such Agreement.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35494-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
--7.

NAYS: None-----
0.

BUDGET-EMERGENCY SERVICES: The City Manager submitted a communication advising that since July 1, 1986, the City has been under contract with the Virginia Department of Emergency Management (VDEM) to respond to Level III hazardous materials incidents in a regional concept involving firefighters/emts from the Cities of Roanoke and Salem; on July 19, 2000, Council authorized the City Manager to renew the agreement to participate in a Level III Regional Response

Team; and the agreement is renegotiated bi-annually in order to keep funding and reimbursement needs current.

It was further advised that the present VDEM hazardous materials team contract expires on June 30, 2002; VDEM agreed to furnish \$15,000.00 per year in “pass-through” funds in order to assist with the purchase of equipment, physicals, and to attend training programs needed to comply with Federal and State response criteria mandates; and pass through funding totaling \$15,000.00 has been received from VDEM and deposited in Revenue Account No. 035-520-3224-3224.

The City Manager recommended that Council accept “pass-through” funding which honors renewal of the two-year Virginia Department of Emergency Management hazardous materials team contract for the period July 1, 2000 until June 30, 2002; and appropriate \$15,000.00 as follows: \$11,300.00 to *Employee Physicals* and \$3,700.00 to *Training and Development* under the Hazardous Materials Response Team Grant (Account Nos. 035-520-3224-2110 and 035-520-3224-2044) and establish a revenue estimate of \$15,000.00.

(For full text, see communication on file in the City Clerk’s Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35495-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35495-080601. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

Mr. White offered the following resolution:

(#35496-080601) A RESOLUTION authorizing the City Manager to accept, on behalf of the City of Roanoke, “pass-through” funding from a two-year contract with the Commonwealth of Virginia, Department of Emergency Management, with appropriations, to participate in a Regional Hazardous Materials Response Team.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35496-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----**

---7.

NAYS: None-----

---0.

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that historically, the Roanoke Redevelopment and Housing Authority (RRHA) has administered numerous CDBG-funded activities for the City, including housing rehabilitation and economic development activities; on May 7, 2001, Council authorized the Housing Authority's 2001-02 CDBG activities and funding pursuant to Resolution No. 35319-050701, which approved submission of the City's Consolidated Plan to the U. S. Department of Housing and Urban Development; Council accepted 2000-01 CDBG funds on June 18, 2001, pursuant to Resolution No. 35407-061801 and Budget Ordinance No. 35406-070201, pending receipt of an approval letter from the U. S. Department of Housing and Urban Development which is completing the routine Congressional release process; and in order for the Housing Authority to provide eligible City homeowners and buyers with housing activities approved in the Consolidated Plan, Council's authorization to execute an agreement with the Housing Authority is necessary.

The City Manager recommended that she be authorized to execute a CDBG Agreement with the Roanoke Redevelopment and Housing Authority to be approved as to form by the City Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following resolution:

(#35497-080601) A RESOLUTION authorizing the appropriate City officials to enter into the 2001-2002 Community Development Block Grant (CDBG) Funding Administration Agreement with the Roanoke Redevelopment and Housing Authority, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35497-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----

---7.

NAYS: None-----

---0.

PURCHASE/SALE OF PROPERTY-GRANTS-FLOOD REDUCTION/CONTROL:

The City Manager submitted a communication advising that in 1998, the City of Roanoke was awarded a grant from the Federal Emergency Management Agency (FEMA) through its Hazard Mitigation Grant Program which allowed the City to acquire and demolish 34 homes located in the floodplain; the program is voluntary and some homeowners in the Garden City area, whose homes are located in the floodplain, have chosen not to participate in the project; funds remaining in the account (\$140,440.00 in Account No. 008-052-9696) are available to acquire another home which is located in the floodplain of Mud Lick Creek located at 2565 Beverly Boulevard, S. W., owned by Mr. and Mrs. Mark Reynolds, who have appeared at City Council meetings on numerous occasions in the past few years to discuss the flooding of their home; the Reynolds are willing to sell their home to the City for its removal from the floodplain, said property having been appraised twice at \$113,000.00 and \$105,000.00; and Mr. and Mrs. Reynolds have signed a purchase agreement for \$109,000.00 which is the average of the appraisals.

The City Manager recommended that she be authorized to execute the necessary documents, in a form to be approved by the City Attorney, to purchase real property owned by Mr. and Mrs. Mark Reynolds located at 2565 Beverly Boulevard, S. W., Official Tax No. 1630614; and that Council authorize demolition of the structure and close the Garden City Hazard Mitigation Grant Program grant, in accordance with requirements of the Federal Emergency Management Agency.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following ordinance:

(#35498-080601) AN ORDINANCE authorizing the acquisition and demolition of certain property located in the floodplain of Mud Lick Creek under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program, upon certain terms and conditions; authorizing the closing of the Garden City Hazard Mitigation Grant Program grant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35498-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

PURCHASE/SALE OF PROPERTY-WATER RESOURCES: The City Manager submitted a communication advising that a study of the Forest Park watershed completed by Anderson & Associates identified over \$11 million in drainage problems

in the area; the first project selected to correct problems for construction is located on Barnhart Street; homeowners at 1320 Aspen Street, and 2830 and 2836 Barnhart Street have had their basements flooded due to drainage problems; construction of the Barnhart Street Drainage Improvement Project will address drainage problems; authorization is needed to move forward with procurement of title work, appraisals, and document preparation related to acquisition of the necessary property rights-of-way; and estimated expenses related to acquisition of the property should not exceed \$2,000.00, which is available in Capital Project Account No. 008-052-9688-9050, Miscellaneous Storm Drains.

The City Manager recommended that she be authorized to acquire all necessary property rights, noting that said property rights may be acquired following a satisfactory environmental site inspection by negotiation or eminent domain, and include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following ordinance:

(#35499-080601) AN ORDINANCE providing for the acquisition of certain property rights needed by the City for the Barnhart Street Drainage Improvement Project; setting a limit on the consideration to be offered by the City; providing for

the City's acquisition of such property rights by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35499-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----

--7.

NAYS: None-----

--0.

BUDGET-GRANTS-JUVENILE CORRECTIONAL FACILITIES: The City Manager submitted a communication advising that the Aggression Replacement Training and Education Program (ARTEP) is an anger control program for assaultive youth operated by Sanctuary Crisis Intervention staff; the program is designed to increase public safety and encourage participating youth to take responsibility for their behaviors, which is accomplished through court-ordered participation in a ten-week program that includes bi-weekly group sessions and periodic contacts at home and school; ARTEP provides Juvenile Court Judges with a less costly alternative to incarceration of juvenile offenders; and the pilot for this program had a 94% success

rate and continues to be a valuable addition to the continuum of services available for the treatment of youth offenders.

The City Manager recommended that Council take the following actions:

Adopt a resolution accepting the \$52,714.00 in 2001-02 funding from the Department of Criminal Justice Services, Grant No. 02-C3256JJ01, for Sanctuary's Aggression Replacement Training and Education Program;

Authorize the City Manager to execute the required Grant Acceptance, Request for Funds and any other forms required by the Department of Criminal Justice Services, in order to accept funds and transfer \$7,554.00 from Account No. 001-630-5330-2010, State and Local Hospitalization; and \$10,018.00 from Account No. 001-121-2130-2008, Residential Detention Services, to an account to be established by the Director of Finance for the ARTEP Program; and

Appropriate \$70,286.00 in State and local funds to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35500-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35500-080601. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
--0.**

Mr. Carder offered the following resolution:

(#35501-080601) A RESOLUTION authorizing the acceptance of funding from the Department of Criminal Justice Services for Sanctuary's Aggression Replacement Training and Education Program; authorizing the City Manager to execute the necessary documents in order to accept these funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35501-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----

---7.

NAYS: None-----

---0.

BUDGET-CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as part of the fiscal year 2001-02 Annual Operating budget adopted by Council, the Memberships and Affiliations budget included funding of \$541,440.00 specifically designated for the RVCVB; an additional \$287,500.00 was designated for marketing efforts and the availability of the \$287,500.00 equates to revenue increases expected from a corresponding increase in the transient room tax; the City has negotiated a one year agreement commencing July 1, 2001 with the RVCVB detailing the use of the funds; and the RVCVB submitted a detailed budget and work plan to the City Manager for review and approval.

The City Manager recommended that she be authorized to execute an

Agreement, in the amount of \$828,940.00, with the Roanoke Valley Convention and Visitors' Bureau, upon form approved by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism, and that Council authorize transfer of funding in the amount of \$287,500.00 from Account No. 001-300-7220-3689, Marketing, to Account No. 001-300-7220-3702, Convention Bureau.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35502-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35502-080601. The motion was seconded by Mr. Harris.

Matthew R. Kennell, President, Roanoke Valley Convention and Visitors Bureau, expressed appreciation for Council's support. He commended the City of Roanoke on its action to increase the transient occupancy tax and earmarking the additional funds, totalling more than one quarter of a million dollars, for marketing the Roanoke Valley. He requested that Council support the agreement with the

Roanoke Valley Convention and Visitors Bureau.

The City Manager presented copy of a marketing plan which was developed by the Roanoke Valley Convention and Visitors Bureau.

Ordinance No. 35502-080601 was adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

Mr. Hudson offered the following resolution:

(#35503-080601) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35503-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----**

---7.

NAYS: None-----

--0.

BUDGET-PUBLIC WORKS-STREETS AND ALLEYS: The City Manager submitted a communication advising that Adams Construction Company was awarded a contract, in the amount of \$1,969,602.91, on a unit price basis at the May 21, 2001 meeting of City Council to repave various streets within the City of Roanoke; a review of the Paving Program budget, Account No. 001-530-4120-2010, has shown that \$150,685.00 is available for additional street resurfacing; contract provisions allow the City to add streets to the contract, with unit prices and completion dates to be unchanged; and approval of the contract change order will enable the paving of five additional lane miles, bringing the paving program cumulative total to 57 lane miles.

The City Manager recommended that she be authorized to execute Change Order No. 1, in the amount of \$150,685.00 with Adams Construction Company to repave additional streets within the City of Roanoke.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency ordinance:

(#35504-080601) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 1 to the City's contract with Adams Construction Company to repave additional streets within City of Roanoke; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35504-080601. The motion was seconded by Mr. Carder.

Vice-Mayor Carder expressed concern with regard to disrepair of certain City streets as the result of utility cuts for underground utility lines, fiber optics etc. He advised that the streets are patched up with asphalt which, within a short period of time turns into potholes, and inquired if the responsible party can be required to make street repairs that are more durable.

The City Manager advised that there is a form of repair that is more durable and expensive and the City's Utility Lines Department is testing the procedure through a pilot project involving City utility cuts. She advised that a report will be submitted to Council in the near future.

Ordinance No. 35504-080601 was adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----**

---7.

NAYS: None-----

---0.

CITY CODE-EROSION SEDIMENT CONTROL: The City Manager submitted a written communication advising that the General Assembly recently amended Section 10.1-563 of the Virginia Erosion and Sediment Control Law, Section 10.1-560, et seq; effective July 1, 2001, the amendment requires that all land disturbing projects which require approval of an Erosion and Sediment Control Plan and issuance of a Land Disturbing Permit to name an individual who will be responsible for the land disturbing activities for the project; and the individual will be required to hold a Responsible Land Disturber (RLD) certificate.

It was further advised that the Virginia Department of Conservation and Recreation (DCR) has developed course material for individuals to become certified; individuals currently certified by the Department of Conservation as contractors, inspectors, plan reviewers, administrators or combined administrators will be considered a Responsible Land Disturber without further training; and persons holding a valid Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect license will also be considered a Responsible Land Disturber without further training, certification or fees.

It was explained that for all land disturbing activities, the landowner will remain ultimately responsible for compliance with all erosion and sediment control regulations; the individual named as the Responsible Land Disturber will be responsible for, and in charge of, carrying out the land disturbing activities for the project; and persons and entities submitting erosion and sediment control plans for approval after July 1, 2001, will be required to identify on the plans submitted for approval the individual named as the Responsible Land Disturber, which information will also be shown on the Land Disturbing Permit.

The City Manager recommended that Council approve an amendment to the Erosion and Sediment Control ordinance which is consistent with the State Code and will enhance and clarify the City's existing Erosion and Sediment Control Ordinance.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35505-080601) AN ORDINANCE amending Section 11.1-6, Erosion and sediment control plan, of Chapter 11.1, Erosion and Sediment Control, of the Code of the City of Roanoke (1979), as amended, by adding new subsection (i) to require the identification of the person responsible for carrying out a land disturbing activity; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35505-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----

---7.

NAYS: None-----

---0.

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-INDUSTRIES-NEWSPAPERS: The City Manager submitted a communication advising that the City of Roanoke has been working with the Times-World Corporation (“Roanoke Times”) to undertake a \$31 million expansion project in downtown Roanoke, which would provide for the retention of existing jobs and advance economic and urban development; and on May 21, 2001, a public hearing was held to consider authorizing an assignable Option Agreement to convey two parcels of City-owned real estate (identified as Official Tax Nos. 1010402 and 1010403) to Roanoke Downtown Properties, LLC, or its assigns, as set forth in a communication from the City Manager under date of May 21, 2001.

It was further advised that the property, deemed critical to the project, would be transferred for consideration of \$100.00 and other good and valuable consideration; no comments were received at the public hearing and the Option

Agreement now needs to be executed; the City will appropriate up to \$500,000.00 to the Industrial Development Authority of the City of Roanoke (IDA) which, in turn, will provide an economic development grant to the Roanoke Times, upon certain terms and conditions as more fully set forth in the Performance Agreement; the grant will be made after The Roanoke Times project has been completed and is operational, after which time, the Authority will provide grant funds in the following increments: \$250,000.00 in the first year; \$150,000.00 in the second year; and \$100,000.00 in the third year, in accordance with the Performance Agreement.

The City Manager recommended that Council take the following actions:

Approve the Option Agreement and subsequent conveyance of the real estate as described above to Roanoke Downtown Properties, LLC, or its assigns.

Authorize the City Manager to execute an Option Agreement and deeds or any documents as may be necessary to accomplish the transfer of real estate.

Approve the terms of the Performance Agreement between the City of Roanoke, the IDA and The Roanoke Times that will provide for a grant up to \$500,000.00.

Authorize the City Manager to execute a Performance Agreement among

the City, The Roanoke Times, and the IDA, and execute such other documents and take such further action as may be necessary to implement the Performance Agreement, with the form of such Agreement to be approved by the City Attorney.

Appropriate \$500,000.00 from undesignated capital funds to an account to be established by the Director of Finance in the capital projects fund.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35506-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35506-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.

NAYS: None-----

---0.

Mr. Harris offered the following emergency ordinance:

(#35507-080601) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia (IDA), and The Times-World Corporation (Roanoke Times), that provides for The Roanoke Times to make an investment in the construction and development of certain property in the City; that the City will comply with the terms of a separate option contract to transfer two parcels of real property owned by the City in accordance with the terms of the Performance Agreement; that the City will make an appropriation of up to \$500,000.00 to the IDA, all for the purpose of promoting economic development in order to fund the grant that the IDA intends to make to The Roanoke Times; authorizing the City Manager to execute such other documents and take such further action as may be necessary to implement the Performance Agreement; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35507-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----**

---7.

NAYS: None-----

--0.

Mr. Harris offered the following ordinance:

(#35508-080601) AN ORDINANCE authorizing execution of an Option Agreement by which the City of Roanoke grants an option to Roanoke Downtown Properties, LLC, or its assigns, to purchase certain City-owned property known as Tax Parcels Nos. 1010402 and 1010403, located at 143 Salem Avenue, S. W., and, upon exercise of the option, the execution of an appropriate deed conveying the property; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35508-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----**

---7.

NAYS: None-----

--0.

REAL ESTATE VALUATION-EQUIPMENT: The City Manager submitted a communication advising that the City's current appraisal software (CARAT) was purchased and installed in 1981; the system lacks many features and capabilities found in modern computer assisted mass appraisal (CAMA) systems; advances in technology offer the City the opportunity to employ advance state of the art appraisal software and computer hardware that increase Real Estate Valuation accuracy and efficiency; in addition, capture, storage and retrieval of real estate data critical to the successful deployment of the City's Geographical Information System will be enhanced with a new appraisal system; and five proposal responses were received and evaluated, with Manatron, Inc., ProVal System offering the best software solution for the City's real estate mass appraisal and assessment needs.

The City Manager recommended that she be authorized to enter into a contract with Manatron, Inc., to be approved as to form by the City Attorney, for the ProVal Computer Assisted Mass Appraisal System, in the amount of \$119,635.00, including software and training for the system; and funds are available from a prior year CMERP appropriation in the Department of Technology Project Account No. 013-052-9838, "Real Estate Project".

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35509-080601) A RESOLUTION accepting the proposal of Manatron, Inc., and authorizing execution by the City Manager of a contract providing for the purchase of a ProVal Computer Assisted Mass Appraisal System for the Office of Real Estate Valuation, upon certain terms and conditions; and rejecting all other proposals made for such items.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35509-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

BUDGET-CIVIC CENTER-EQUIPMENT: The City Manager submitted a written communication advising that the Occupational Health and Safety Administration (OSHA) representatives recently inspected the fall protection system in the Roanoke Civic Center Coliseum; some components of the fall protection system were found

to be of uncertain capacity; at the time of inspection, an engineering consultant had already been retained to design a new fall protection system; and the City's consultant reviewed the OSHA findings and recommended that the existing fall protection system not be used.

It was further advised that until a new fall protection system can be installed, all rigging work has to be done from a portable man lift which is expensive and cumbersome to operate and has resulted in safety concerns and an unreasonable burden on continuing use of the Civic Center Coliseum; and after receiving notice of the situation on July 17, 2001, based on facts presented to the City Manager, the City Manager declared an emergency, pursuant to Section 41 of the City Charter, and authorized immediate procurement of a contractor to correct fall protection system problems in the facility.

It was explained that on an emergency basis, the City of Roanoke, through the Engineering Department, agreed to and entered into a contract with Evan Corporation to correct the current system and/or furnish and install a new fall protection system in the Civic Center Coliseum, at a contract amount not to exceed \$140,000.00.

The City Manager recommended that Council affirm and ratify the above described action; that the City Manager be authorized to execute a contract with Evan Corporation for the abovereferenced work, in an amount not to exceed \$140,000.00 and that the City Manager be authorized to take such further action as

may be necessary to correct fall protection system problems in the Civic Center Coliseum; and appropriate \$140,000.00 from Civic Center Prior Year Retained Earnings to a new project account entitled, Civic Center Fall Protection.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency budget ordinance:

(#35510-080601) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Civic Center Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35510-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.

NAYS: None-----
---0.

Mr. Carder offered the following emergency ordinance:

(#35511-080601) AN ORDINANCE ratifying the emergency action taken by the City Manager in connection with emergency improvements to correct the fall protection system problems in the Roanoke Civic Center Coliseum; ratifying a contract between the City and Evan Corporation for such emergency work and authorizing the City Manager to execute such contract; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35511-080601. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

CITY CLERK:

CITY CLERK-CITY EMPLOYEES: The City Clerk submitted a written report advising that at the regular meeting of Council on Monday, May 7, 2001, Council adopted Ordinance No. 35345-050701 authorizing and approving the establishment

of a new position entitled Assistant Deputy City Clerk; Section 24 of the Roanoke City Charter requires the concurrence of Council in the appointment of a Deputy City Clerk and such number of assistants; whereupon, the City Clerk respectfully requested that Council concur in the appointment of Sheila N. Hartman as Assistant Deputy City Clerk, effective August 7, 2001.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following resolution:

(#35512-080601) A RESOLUTION confirming the appointment of Sheila N. Hartman as the Assistant Deputy City Clerk, effective August 7, 2001.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35512-080601. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson
and Mayor Smith-----
---7.

NAYS: None-----
---0.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS:

WORKERS COMPENSATION-CITY EMPLOYEES: Council at its meeting on Monday, July 16, 2001, having tabled a communication from the City Manager in connection with performing Third Party Administrator functions by Landin, Inc., for Workers' Compensation for the City of Roanoke, in the amount of \$40,000.00 per annum, the matter was before the body.

Mr. Carder moved that the matter be removed from the table. The motion was seconded by Mr. Bestpitch and unanimously adopted.

The City Manager submitted a communication advising that all employees of the City of Roanoke are covered by Workers' Compensation as required by State law and the City of Roanoke is self-administered and self-insured for Workers' Compensation; currently, the City experiences approximately 400 new Workers' Compensation claims annually and continues to administer active claims from previous years; claims involve significant amounts of paperwork and can be handled more efficiently by a company that deals with Workers' Compensation issues exclusively; therefore, the Office of Risk Management initiated an evaluation process to determine the logic of employing a Workers' Compensation Third Party Administrator.

It was further advised that after submission of request for proposals, non-binding on the part of the City, four Third Party Administrators were interviewed, with Landin, Inc., being the clear choice of all persons serving on the panel; Landin, Inc., proposes to administer all Workers' Compensation claims for the City at a fee comparable to that of hiring a Workers' Compensation specialist to replace a City employee who recently retired; Landin, Inc., offers assurances that all of the City's injured employees will receive quality service to speed their recoveries; the use of a Third Party Administrator should enable the Office of Risk Management to spend more time administering general liability and automobile liability claims; and these classes of claims have the greatest potential financial impact to have their outcomes affected by extra time and effort devoted to their investigation and administration.

The City Manager recommended that she be authorized to enter into a one year contract, with an option to renew for two additional one year periods by mutual agreement with Landin, Inc., to perform Third Party Administrator functions for Workers' Compensation for the City of Roanoke, in an amount not to exceed \$40,000.00 per annum.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35513-080601) A RESOLUTION authorizing the acceptance of a bid and execution of a contract with Landin, Inc., for the provision of services as a third party

administrator for Workers' Compensation claims for the City, upon certain terms and conditions, and rejecting all other bids received.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35513-080601. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----
---7.**

**NAYS: None-----
---0.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:
None.**

MOTIONS AND MISCELLANEOUS BUSINESS:

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF
COUNCIL: NONE.**

PARKS AND RECREATION-DOWNTOWN ROANOKE, INCORPORATED: Vice-

Mayor Carder suggested that the matter of outside dining in the Century Plaza area; i. e.: street side vendors/dining, be referred to the City Manager for report to Council.

REGIONAL IDENTITY: Vice-Mayor Carder addressed the need to establish the City of Roanoke/Roanoke Valley region in terms of identity; i. e.: what is the perception of the City of Roanoke/Roanoke Valley by non-Roanoke Valley citizens. He suggested that the services of a public relations firm be engaged to help establish city/regional identity, and requested that the matter be referred to the City Manager for report to Council.

The Mayor called attention to discussions with representatives of other municipalities in the Roanoke Valley Leadership Summit that might be interested in participating in the study.

REFUSE COLLECTION-COMPLAINTS: Council Member Hudson called attention to numerous telephone calls he has received from citizens complaining about curbside refuse collection, and spoke in support of returning to alley collection.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to speak and a time for Council to listen; and matters requiring referral to the City Manager will be referred immediately for appropriate response

COMPLAINTS-REFUSE COLLECTION: Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke against curbside refuse collection. She expressed concern regarding the policy of the City which requires physically challenged citizens who are unable to roll their containers to the curb to obtain a certificate from their physician. She requested that the City return to the pre July 1 policy for refuse collection.

At 4:45 p.m., the Mayor declared the meeting in recess for three Closed Sessions.

At 5:55 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Harris, who left the meeting during the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----

---6.

NAYS: None-----

--0.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-SPECIAL EVENTS COMMITTEE: The Mayor advised that there is a vacancy on the Special Events Committee created by the resignation of Catherine Fox, and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of William X Parsons.

There being no further nominations, Mr. Parsons was appointed as a member of the Special Events Committee, for a term ending June 30, 2002, by the following vote:

FOR MR. PARSONS: Council Members White, Wyatt, Bestpitch, Carder, Hudson and Mayor Smith-----

--6.

NAYS: None-----

--0.

(Council Member Harris was absent.)

**There being no further business, the Mayor declared the meeting adjourned
at 6:00 p.m.**

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor



August 20, 2001

Annual Report of the Municipal Auditor

June 30, 2001

Honorable Mayor and City Council:

The goal of Municipal Auditing is to provide City Council and City administration with analyses, appraisals, recommendations, counsel, and information concerning financial related activities of the City. The office performs its audit work in accordance with generally accepted government auditing standards promulgated by the Comptroller General of the United States.

During the year ended June 30, 2001, we provided audit coverage of the

City's financial activities by monitoring external audit activities. We also evaluated systems of internal controls to determine whether they are designed to meet management's needs and are functioning as planned. We performed substantive testing to determine whether procedures produced reasonable results or additional work was necessary. Recommendations were made to correct any deficiencies encountered in internal controls and technical assistance was provided to implement these recommendations. Each audit was reported in writing to the City Council Audit Committee.

Significant audit activity completed during fiscal year 2001 includes:

Financial Audits - To maintain the City's excellent financial reporting credibility and ensure compliance with statutory audit requirements, we:

! Coordinated the independent public accountant's audits of the financial statements of the Greater Roanoke Transit Company, the City Pension Plan, and the City, including the Single Audit;

! Assisted the Commonwealth Auditor of Public Accounts in the audits of the local courts' financial activities;

! Performed an annual financial audit of the Sheriff's Jail Inmate Fund and Canteen Fund.



August 20, 2001

Annual Report of the Municipal Auditor

June 30, 2001

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! Assisted the Commonwealth Auditor of Public Accounts in the audits of the local courts' financial activities;

! Performed an annual financial audit of the Sheriff's Jail Inmate Fund and Canteen Fund.

Annual Report of the Municipal Auditor

August 20, 2001

Page 2

Financial Related Audits - To provide reasonable assurance that internal controls are functioning effectively to prevent inaccuracies, irregularities, or willful manipulations, we performed controls evaluations or substantive testing in the following areas:

- ! Police Department Cash Funds**
- ! City Payroll Processing**
- ! Fixed Assets**
- ! Comprehensive Services Act**
- ! Civic Center Concessions**
- ! Records Management**
- ! Economic Development**
- ! Human Resources**
- ! Miscellaneous Taxes**

Substantive testing was in process at year end in the Water Meter Shop. Substantive testing in Fleet Management was postponed to allow the Department of Technology to make requested changes.

Long-term systems development audit participation in the building inspection, zoning, planning, and housing areas was coming to a conclusion at year-end

with implementation of the Accela System in July, 2001.

Technical Assistance - We promoted improvements to the City's manual and computer-based financial accountability systems by answering control related questions and by maintaining communications with all City officials. We spent significant management assistance time on Personal Property, Recreation, Fleet Management, and City Manager committees.

School Board - In addition to the “city” work described above, we provided internal auditing services to the School Board. This work was done according to the plan presented to the School Board Audit Committee. Results of each audit were reported in writing to the School Board Audit Committee in a public meeting.

In submitting this report, I would like to express my appreciation of the Council and all affected City employees for their continued cooperation in maintaining and improving the financial integrity of the City of Roanoke.

Respectfully,

Robert H. Bird, CIA, CISA

Municipal Auditor

August 20, 2001

Honorable Ralph K. Smith, Mayor

Honorable William Carder, Vice-Mayor

Honorable William Bestpitch, Council Member

Honorable Nelson Harris, Council Member

Honorable Alvin Hudson, Council Member

Honorable William White, Council Member

Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of

Funding for Drug

Prosecutor

Federal funding was made available to the State of Virginia to be used for the development of several Multi-Jurisdictional Special Drug Prosecutors statewide. The positions were developed to coordinate prosecutorial efforts among independent jurisdictions, reduce fractional and duplicate prosecutions, enhance the recovery of criminal assets, utilize federal, state and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort. The Commonwealth's Attorneys of Craig County, Franklin County, Roanoke County, and the Cities of Roanoke and Salem applied on October 9, 1987, to the Commonwealth's Attorneys' Services Council, the State agency responsible for the administration of the grant money to fund a Multi-Jurisdictional Special Drug Prosecutor. City Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April, 1988, and a full-time Special Drug Prosecutor was hired in July, 1988.

On April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board. The Compensation Board approved funding for the Drug Prosecutor in the amount of \$91,615 on April 29, 2001, and funding will continue through June 30, 2002. The local share cost is \$20,730, for a total of \$112,345. Local share funding of \$12,560 is

budgeted in the General Fund - Transfer to Grant Fund account (001-250-9310-9535), and \$8,170 is budgeted in the Contingency Account (001-300-9410-2199). Annual re-application for funding will be required.

Honorable Mayor and Members of Council

August 20, 2001

Page 2

Recommended Action(s):

Accept funding from the Compensation Board in the amount of \$91,615, with Roanoke providing local share funding in the amount of \$20,730. Authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board. Authorize the Director of Finance to establish revenue estimates in the amount of \$112,345 in the Grant Fund and appropriate funding to the expenditure accounts listed in Attachment 1.

Respectfully submitted,

Donald S. Caldwell

Roanoke City Commonwealth's

Attorney

DSC:msh

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

#CO01-

00003

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William Carder, Vice-Mayor
Honorable William Bestpitch, Council Member
Honorable Nelson Harris, Council Member
Honorable Alvin Hudson, Council Member
Honorable William White, Council Member
Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

| | | | |
|------------------|----------|------------|----------------------|
| Funding for Drug | Subject: | Acceptance | of Prosecutor |
|------------------|----------|------------|----------------------|

I concur with the recommendation from Donald S. Caldwell, Commonwealth's Attorney, for the City of Roanoke, with respect to the subject referenced above and recommend that City Council accept the funding for the Drug Prosecutor.

Sincerely,

Darlene L. Burcham
City Manager

DLB:ca

**C: James D. Grisso, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk**

ATTACHMENT 1

| <u>Account</u> | | <u>Amount</u> |
|----------------|----------------------|---------------|
| 1002 | Regular Salaries | \$74,300 |
| 1105 | City Retirement | 4,725 |
| 1116 | ICMA-RC Match | 1,300 |
| 1120 | FICA | 5,783 |
| 1125 | Hospitalization Ins. | 5,040 |
| 1126 | Dental Insurance | 404 |
| 1131 | Disability Ins. | 267 |
| 1130 | Life Insurance | 594 |
| 2020 | Telephone | 2,000 |
| 2021 | Telephone-Cellular | 300 |
| 2030 | Administrative Supp. | 7,832 |
| 2040 | Public. & Subscr. | 200 |
| 2042 | Dues & Membership | 400 |
| 2075 | Printing | 300 |
| 2160 | Postage | 500 |
| 3075 | Other Rental | 8,400 |
| | Total | \$112,345 |

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the funding for the regional drug prosecutor's office in the total amount of \$91,615 from the Compensation Board of the Commonwealth of Virginia for the period of July 1, 2001 through June 30, 2002.
2. The City Manager is hereby authorized to accept, execute and file on behalf of the City of Roanoke any and all documents required to obtain such funding.
3. The local cash match for Fiscal Year 2001-02 shall be in the amount of \$20,730.
4. The City Manager is further directed to furnish such additional information as may be required in connection with the acceptance of the foregoing funding or with such project.

ATTEST:

City Clerk

August 20, 2001

**Honorable Ralph K. Smith, Mayor
Honorable William Carder, Vice-Mayor
Honorable William Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda Wyatt, Council Member**

**Subject: Cash Assets
Forfeited to the
 R o a n o k e
Commonwealth
 Attorney's Office**

Dear Mayor Smith and Members of City Council:

In an effort to better fund law enforcement efforts to fight crime, particularly drug crime, in 1986, the Federal government adopted a system of asset forfeiture whereby forfeited assets, under certain conditions, could be returned to local law enforcement agencies, police and prosecutors, for use in their fight against crime.

In July, 1991, Virginia asset forfeiture statute, which generally is patterned after the Federal statute, took effect, providing that forfeited criminal assets may be returned to local police and prosecutors for use in the fight against crime.

Periodically, assets seized as evidence are ordered forfeited by the local courts to the police or the Office of the Commonwealth's Attorney to be used for criminal law enforcement efforts.

In August, 1991, a grant fund account for cash assets forfeited to the Office of the Commonwealth's Attorney was established with an appropriation of \$25,000.

Considerations:

Since August, 1991, the Office of the Commonwealth's Attorney has expended the \$25,000 originally appropriated, and periodically receives additional funds from the state's asset sharing program. Grant requirements include that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines.

Revenues collected through June 30, 2001, for this grant are \$126,676. The interest on this account collected through June 30, 2001, is \$12,476. Funding received in excess of the revenue estimate totals \$62,789, and needs to be appropriated.

Funds must be appropriated before they can be expended for law enforcement.

Recommended Action(s):

Authorize the Director of Finance to increase the revenue estimate in the amount of \$59,081 plus \$3,708 interest and appropriate funding to the accounts listed in Attachment 1.

Respectfully submitted,

Donald S. Caldwell
Commonwealth's Attorney

DSC:mh

Attachment

**c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance**

#CO01-

00004

August 20, 2001

**Honorable Ralph K. Smith, Mayor
Honorable William Carder, Vice-Mayor
Honorable William Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda Wyatt, Council Member**

**Subject: Cash Assets
Forfeited to theRoanoke
Commonwealth Attorney's Office**

Dear Mayor Smith and Members of City Council:

I concur with the recommendation from Donald S. Caldwell, Commonwealth's Attorney, for the City of Roanoke, with respect to the subject referenced above and recommend that City Council authorize the Director of Finance to increase the revenue estimate as noted and appropriate funding to the accounts listed in Attachment 1.

Sincerely,

**Darlene L. Burcham
City Manager**

DLB:ca

**c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance**

#CO01-00004

ATTACHMENT 1

| <u>Account</u> | | <u>Amount</u> |
|----------------|--|---------------|
| 2030 | Administrative Supplies | 12,789 |
| 2035 | Expendable Equipment <\$500 | 10,000 |
| 2044 | Training & Development | 10,000 |
| 7007 | CIS-Personal Computer Rent/ Maintenance | 10,000 |
| 9005 | Expendable Equipment>\$500 | 10,000 |
| 2021 | Telephone-Cellular | <u>10,000</u> |
| | Total | 62,789 |

August 15, 2001

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

The School Board at its August 14 meeting voted to request the Roanoke City Council to appropriate the following funds:

\$200,546.00 for the Reading Excellence Act grant for Virginia Heights Elementary School. The funds will provide for elementary reading instruction and intervention. A basic skills program which includes staff development and remedial skills instruction will be implemented. This new program is one hundred percent reimbursed by federal funds.

\$252,555.00 for the Reading Excellence Act grant for Westside School. The funds will provide for elementary reading instruction and intervention. A basic skills program which includes staff development and remedial skills instruction will be implemented. This new program is one hundred percent reimbursed by federal funds.

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mr. Sherman P. Lea

Mrs. Darlene L. Burcham

Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy

Mr. William L. Murray

Mr. William M. Hackworth
Mr. James D. Grisso
Mrs. Ann H. Shawver (with
accounting details)

August 15, 2001

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on August 14, the Board approved the attached resolutions to participate in the 2001 Interest Rate Subsidy Program Bond Sale - VPSA School financing Bonds (1997 Resolution) Series 2001B. The proceeds of the bond issue will be used in lieu of the Literary Fund loans approved by the State for Fairview Elementary School and Fishburn Park Elementary School. The School Board will pay the debt service on the VPSA Interest Rate Subsidy Bond Issues.

The use of the bond issue provides:

- An interest rate of 4%--the same as the Literary Fund loan rate.
- The debt will not count against the \$20 million Literary Fund loan debt ceiling for the locality.
- The first debt service payment will not be due until the 2002-03 fiscal year.

Roanoke City Council is requested to approve resolutions indicating that Roanoke City desires to participate in the VPSA bond issue. No further action is required of the City at this time. If the applications are approved by the VPSA board, Council will be

requested to conduct public hearings and perform any other procedural matters that may be required for participation in the VPSA bond issue.

Members of Council

Page 2

August 15, 2001

The Roanoke City School Board appreciates the assistance of the City Administration in preparing the necessary resolutions and documents required for participation in the VPSA bond issue.

Sincerely,

Cindy H. Lee
Clerk of the Board

re

Enc.

cc: Mr. Sherman P. Lea
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. William L. Murray

Mr. Ken F. Mundy
Mrs. Darlene L. Burcham
Mr. William M. Hackworth
Mr. James D. Grisso

August 14, 2001
RESOLUTION REQUESTING THE CITY COUNCIL
OF THE CITY OF ROANOKE, VIRGINIA
TO ISSUE GENERAL OBLIGATION SCHOOL BONDS FOR SCHOOL
PURPOSES AND CONSENTING TO THE ISSUANCE THEREOF

BE IT RESOLVED,

- 1) The School Board of the City of Roanoke, Virginia hereby (i) approves certain capital improvements and additions to the Fairview Elementary School including constructing additional classrooms, installing air conditioning, replacing windows, and constructing a gymnasium at an estimated cost of \$2,750,000 (the "Project"), (ii) authorizes and approves the filing of an application to the Virginia Public School Authority ("VPSA") seeking interest rate subsidy bond financing in an amount not to exceed \$2,750,000, and (iii) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation school bonds to be sold to VPSA in an aggregate principal amount not to exceed \$2,750,000, for the purpose of financing a portion of the cost of the Project.
- 2) This resolution shall take effect immediately by the following recorded vote:

| | <u>Yea</u> |
|--------------------------------------|------------|
| <u>Nay</u> | |
| Sherman P. Lea, Chairman | _____ |
| _____ Ruth C. Willson, Vice-Chairman | _____ |
| _____ Charles W. Day | _____ |
| _____ Marsha W. Ellison | _____ |
| _____ Gloria P. Manns | _____ |
| _____ Melinda J. Payne | _____ |
| _____ | |

Brian J. Wishneff

The undersigned Clerk of the School Board of the City of Roanoke, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the School Board held the 14th day of August, 2001.

WITNESS, my signature and seal of the School Board of the City of Roanoke, Virginia, this _____ day of August, 2001.

(SEAL) Clerk, School Board of City of Roanoke,
Virginia

August 14, 2001
RESOLUTION REQUESTING THE CITY COUNCIL
OF THE CITY OF ROANOKE, VIRGINIA
TO ISSUE GENERAL OBLIGATION SCHOOL BONDS FOR SCHOOL
PURPOSES AND CONSENTING TO THE ISSUANCE THEREOF

BE IT RESOLVED,

1) The School Board of the City of Roanoke, Virginia hereby (i) approves certain capital improvements and additions to the Fishburn Park Elementary School including constructing additional classrooms, installing air conditioning, replacing windows, and constructing a gymnasium at an estimated cost of \$2,500,000 (the "Project"), (ii) authorizes and approves the filing of an application to the Virginia Public School Authority ("VPSA") seeking interest rate subsidy bond financing in an amount not to exceed \$2,500,000, and (iii) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation school bonds to be sold to VPSA in an aggregate principal amount not to exceed \$2,500,000, for the purpose of financing a portion of the cost of the Project.

2) This resolution shall take effect immediately by the following recorded vote:

| <u>Nay</u> | <u>Yea</u> |
|--------------------------------|------------|
| Sherman P. Lea, Chairman | _____ |
| _____ | _____ |
| Ruth C. Willson, Vice-Chairman | _____ |
| _____ | _____ |
| Charles W. Day | _____ |
| _____ | _____ |
| Marsha W. Ellison | _____ |
| _____ | _____ |
| Gloria P. Manns | _____ |
| _____ | _____ |
| Melinda J. Payne | _____ |
| _____ | _____ |
| Brian J. Wishneff | _____ |
| _____ | _____ |

The undersigned Clerk of the School Board of the City of Roanoke,
Virginia hereby certifies that the foregoing constitutes a true
and correct extract from the minutes of a meeting of the School Board
held the 14th day of August, 2001.

WITNESS, my signature and seal of the School Board of the City of
Roanoke, Virginia, this _____day of August, 2001.

(SEAL) Clerk, School Board of City of Roanoke,
Virginia

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: 2001-2002 HOME
Investment
Partnerships
(HOME) Agreement
with Roanoke
Redevelopment and
Housing Authority
(RRHA)

Background:

Historically, the RRHA has administered a variety of HOME-funded housing programs for the City. On May 7, 2001, City Council authorized the RRHA's 2001-2002 HOME activities and funding by Resolution No. 35319-050701, which approved submission of the City's 2001-2002 Consolidated Plan Annual Update to the U.S. Department of Housing and Urban Development. City Council accepted the 2001-2002 HOME funds on June 18, 2001, by Budget Ordinance No. 35404-061801 and Resolution No. 35405-061801, contingent upon receipt of HUD's approval letter. The letter will be issued when Congress completes its routine release process, which is now underway.

Considerations:

In order for the RRHA to provide eligible City homeowners and buyers the housing activities approved in the Consolidated Plan, City Council's authorization to execute an agreement with the RRHA is needed. Necessary HOME funding is available in the accounts listed in Attachment A.1. of the Agreement, a draft of which is included with this report. A total of \$1,063,756 is being provided to the RRHA, of which \$521,500 is to complete projects which were in progress on June 30, 2001. The Agreement contains a mutual indemnification clause in which both parties agree to indemnify the other for damages and expenses incurred as a result of the other party's conduct. The effect of the clause is that, in certain circumstances, the City would be waiving its defense of sovereign immunity.

Recommended Action:

Authorize the City Manager to execute the 2001-2002 HOME Agreement with the RRHA, similar in form and content to the draft attached to this report.

Respectfully submitted,

Darlene L. Burcham
City Manager

Attachments: 1

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Frank E. Baratta, Budget Team Leader

CM__-_____

AGREEMENT

This Agreement is made and entered into this first day of July 2001, by and between the following parties:

| | |
|----------------|--|
| The Grantee | City of Roanoke, Virginia 215 Church Avenue, S.W. Roanoke, Virginia 24011 |
| The Subgrantee | City of Roanoke Redevelopment and Housing Authority 2624 Salem Turnpike, N.W. Roanoke, Virginia 24017 |

WITNESSETH:

WHEREAS, by Resolution No. 35405-061801 the Roanoke City Council approved the 2001-2002 HOME program and by Ordinance No. 35404-061801 appropriated funds therefor; and

WHEREAS, by Resolution No. ____-082001 the Roanoke City Council approved the execution of this subgrant agreement between the Grantee and the Subgrantee; and

WHEREAS, by Resolution No. ____ the Subgrantee's Board of Commissioners approved the execution of this subgrant agreement between the Grantee and the Subgrantee;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **USE OF HOME FUNDS:**

All program activities under this Agreement shall be operated in accordance with guidelines developed by the Subgrantee in consultation with and acceptable to the Grantee and incorporated herein by reference. These guidelines may be modified with the approval of the

Grantee's City Manager or Assistant City Manager and the Subgrantee's Executive Director or his or her designee. (Note: Guidelines shall not be modified administratively when the result would be to add or delete program activities or otherwise fundamentally alter the nature or intent of any program activity.)

Responsibilities of the Subgrantee shall include marketing and outreach, receiving and processing applications, including packaging loan applications for supplemental funding sources under part 1.c., overseeing rehabilitation, holding deeds of trust and/or homeowner grant agreements (specific to this Agreement) for the Grantee's HOME funds, and monitoring the projects after rehabilitation, in accordance with federal HOME regulations. The Subgrantee shall, in addition, be responsible for performing such duties as above as may be necessary to complete or continue progress on projects it set up in the Integrated Disbursement and Information System (IDIS) that remained open as of June 30, 2001. Funding for such "carry-over" projects shall be made available from accounts designated under part 1.g. of, and Attachments A.1. and A.2. to, this Agreement.

- a. Consolidated Loan Program -- The Subgrantee shall conduct a Consolidated Loan Program to make housing rehabilitation funding available to HOME-eligible homeowners and homebuyers and to owners of substandard rental properties. HOME funds will provide the public portion of affordable public/private combination loans to eligible applicants. The Subgrantee's line of credit with a local lender provides the private portion of the funding for the Consolidated Loan Program. Using HOME funds provided by the Grantee, the Subgrantee shall offer the following types of assistance in accordance with guidelines incorporated by reference into this Agreement.
 - (1) Owner-Occupied Rehabilitation -- financial assistance for the rehabilitation of substandard homes owned and occupied by eligible families.
 - (2) Purchase/Rehabilitation -- financial assistance for the purchase, rehabilitation, and occupancy of vacant substandard houses by eligible families.
 - (3) Rental Rehabilitation -- financial assistance for the rehabilitation of small rental properties.
- b. Washington Park Housing Enhancement Program -- In coordination with its Lincoln 2000-HOPE VI project, the Subgrantee shall conduct a Washington Park Housing Enhancement Program in this neighborhood of the City. The program shall make housing rehabilitation

funding available to HOME-eligible homeowners or offer HOME-eligible homebuyer opportunities through the construction of new or rehabilitated housing. HOME funds may be offered in the form of grants, active or deferred loans, or other allowable forms of assistance, and may be combined with financing provided by other public or private agencies or institutions. All units assisted under this program shall conform to same, standard HOME project set-up procedures as under the Consolidated Loan Program. In addition, any funds budgeted for this program which are not committed by September 30, 2001, to specific units through submission of an approved HOME project set-up report form may be made available to applicants for assistance under the Consolidated Loan Program.

- c. Supplementation of Local HOME Funds with Other Funds -- In order to increase the number of housing units assisted, the HOME funds provided under this Agreement by the Grantee may be supplemented by funding obtained through the Virginia Department of Housing and Community Development (DHCD) or other sources. The Grantee and Subgrantee shall coordinate any actions taken to obtain supplemental funding. Where permitted, HOME funds under this Agreement may be used to meet any matching requirements of the supplemental funding source. Revisions to activity guidelines, such as, but not necessarily limited to, changes in financing options, required to accommodate any supplemental funding shall be considered administrative in nature and shall not require amendment of this Agreement.
- d. Period of this Agreement: -- Unless amended, and except as provided elsewhere herein, this Agreement shall be for the period beginning July 1, 2001, and ending June 30, 2002.
- e. Schedule - The Subgrantee shall implement each program described above on July 1, 2001, or as soon thereafter as practicable, in accordance with the guidelines incorporated by reference, and shall set up individual projects utilizing all the HOME funds identified in Attachment A.1. by June 30, 2002. At the sole discretion of the Grantee, any project funds remaining uncommitted or administrative funds remaining unexpended at the end of this period may be carried over to the subsequent year or deobligated from the Agreement and used for other HOME purposes.
- f. Match - Funds drawn from the Grantee's HOME Investment Trust Fund must be matched in accordance with the requirements contained in 24 CFR 92.218 through 92.222. It shall be the Grantee's responsibility to determine the amount and ensure crediting of matching funds required pursuant to this Agreement. The Subgrantee shall report regularly to the Grantee all activities which may be credited against the HOME match requirement.

- g. Budget - HOME funds, as provided in Attachment A.1., shall be made available to the Subgrantee for the respective program activities. Funding to complete projects initiated on or before June 30, 2001 listed on Attachment A.2. shall be made available from accounts designated in Attachment A.1. At the sole discretion of the Grantee, any funds remaining unexpended upon completion of any 2000/2001 carry-over project may be used for other carry-over or new projects or deobligated from the Agreement and used for other HOME purposes.

2. **AFFORDABILITY:**

- a. The Subgrantee shall ensure that all housing units assisted with HOME funds through any program under this Agreement will adhere to the affordability requirements of 24 CFR 92.252 and 92.254, as applicable. The Subgrantee shall require repayment of the HOME funds if the housing does not meet the affordability requirements for the specified time period.
- b. The Subgrantee shall monitor all HOME-assisted properties to ensure maintenance of their affordability for the minimum period. Monitoring procedures of the Subgrantee must be in accordance with HUD regulations.

3. **PROGRAM INCOME AND REPAYMENTS:**

All repayments, interest and other return on the investment of HOME funds shall be returned to the Grantee within 15 days of receipt by the Subgrantee.

4. **UNIFORM ADMINISTRATIVE REQUIREMENTS:**

The Subgrantee agrees to abide by the HUD conditions for HOME programs as set forth in 24 CFR part 92, the requirements of OMB Circular No. A-87 and the following requirements of 24 CFR part 85: 85.6, 85.12, 85.20, 85.22, 85.26, 85.32 - 85.34, 85.36, 85.44, 85.51, and 85.52.

5. **PROJECT REQUIREMENTS:**

The Subgrantee shall comply with project requirements detailed in Subpart F of 24 CFR part 92, as applicable, in accordance with the type of project assisted.

6. **HOUSING QUALITY STANDARDS:**

The Subgrantee shall include in all agreements with owners of rental housing assisted under this Agreement the provision that such units shall be maintained in compliance with applicable HUD Housing Quality Standards (HQS), Virginia Property Maintenance Code and the Grantee's Rental Certificate of Compliance program for the duration of the affordability period. The form of such Agreements between the Subgrantee and property owners shall be subject to approval by the Grantee.

7. **OTHER PROGRAM REQUIREMENTS:**

- a. The Subgrantee shall carry out each activity in compliance with all federal laws and regulations described in subpart H of 24 CFR 92, except that the Subgrantee does not assume the Grantee's responsibilities for environmental review in 24 CFR 92.352 or the intergovernmental review process in 24 CFR 92.357.
- b. All proposals for HOME-assisted rehabilitation in the City shall be submitted to the Grantee's Department of Management and Budget for determination of the structure's eligibility for inclusion on the National Register of Historic Places. If property is historically eligible, all project plans and specifications will be submitted to the Grantee's Department of Management and Budget for review as to compliance with Section 106 of the National Historic Preservation Act.

8. **AFFIRMATIVE MARKETING:**

As applicable, and in accordance with 24 CFR 92.351, the Subgrantee shall include in all agreements with the owners of rental housing the provision that the owners shall comply with the Grantee's Affirmative Marketing Procedures.

9. **CONDITIONS FOR RELIGIOUS ORGANIZATIONS:**

The Subgrantee shall not grant or loan any HOME funds to primarily religious organizations for any activity, including secular activities. In addition, HOME funds may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. In particular, there shall be no religious or membership criteria for tenants of any HOME-assisted properties.

10. **REQUESTS FOR DISBURSEMENTS OF FUNDS:**

- a. Disbursement of funds under this Agreement shall not be requested until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed for reimbursement of costs incurred.
- b. Requests for funds shall be submitted to the Grantee's Department of Management and Budget and shall include copies of the HOME Payment Certification Form(s) for the project and/or administrative costs to be reimbursed. As requested by the Department of Management and Budget, the Subgrantee shall furnish copies of invoices or other documentation of the project and/or the administrative costs incurred. Upon approval of the request by the Grantee's Project Manager and/or Department of Management and Budget, the Grantee shall disburse the funds to the Subgrantee.
- c. All requests for disbursements with respect to costs incurred during the period of this Agreement, as set forth in part 1.f., must be received by the Grantee within 30 calendar days of the ending date of this Agreement. The Grantee shall not be bound to honor requests for disbursements received after this 30-day period has elapsed.

11. **REVERSION OF ASSETS:**

Upon expiration of this Agreement, the Subgrantee must transfer to the Grantee any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of HOME funds.

12. **RECORDS AND REPORTS:**

The Subgrantee agrees to submit such reports as may be requested by the Grantee concerning the activities conducted under this Agreement. Further, the following shall apply to financial and project records pertaining to this Agreement:

- a. Records to be maintained -- At a minimum, the Subgrantee shall maintain financial and project documents and records which comply with the applicable requirements of 24 CFR 92.508. (Note: See also part 4 above, including reference to 24 CFR 85.20 regarding standards for financial systems.)
- b. Period of record retention -- The Subgrantee shall retain financial and project documents and records pertaining to this Agreement in compliance with the applicable requirements of 24 CFR 92.508(c).

- c. Access to records -- The Grantee and other entities shall have access to financial and project documents and records pertaining to this Agreement in compliance with the applicable requirements of 24 CFR 92.508(d).

13. **ENFORCEMENT OF THE AGREEMENT:**

- a. In accordance with 24 CFR 85.43, the Grantee may suspend or terminate this Agreement if the Subgrantee materially fails to comply with any term of the Agreement. This Agreement may also be terminated for convenience in accordance with 24 CFR 85.44.
- b. The Subgrantee shall be liable for repayment of HOME funds expended on any project or activity which the Subgrantee terminates prior to completion without the prior written approval of the Grantee's Department of Management and Budget.
- c. The affordability provisions referenced in part 2 of this Agreement shall be enforced by written covenant between the Subgrantee and all rental property owners or homebuyers as a condition of sale or participation in the HOME program. Covenants shall be recorded with the property deeds and deeds of trust. The form and content of such covenants are subject to approval by the Grantee. If affordability provisions are not met, the HOME subsidy shall be repaid to the Grantee in accordance with part 3 of this Agreement.
- d. In all cases where the Subgrantee provides HOME funds to for-profit owners or developers, nonprofit owners or developers, subrecipients, homeowners, homebuyers, tenants receiving tenant-based rental assistance, or contractors, the Subgrantee shall have a written agreement which meets the applicable requirements of 24 CFR 92.504.

14. **DURATION OF THE AGREEMENT:**

For the purposes of monitoring affordability by the Subgrantee, this Agreement shall be in effect through the latest date on which any HOME-assisted unit under this Agreement is subject to the affordability requirements of 24 CFR 92.252 or 92.254, as applicable. However, should the Grantee not provide the Subgrantee administrative funding for such monitoring pursuant to this or any other agreement with the Subgrantee, the monitoring and record keeping requirements of this Agreement shall revert to the Grantee. In the event of such reversion, the Subgrantee shall promptly provide the Grantee all records and documents in the Subgrantee's possession pertinent to such monitoring.

15. **MONITORING:**

- a. At least annually, the Grantee shall review the Subgrantee's performance and financial and other records for compliance with the terms, conditions and expectations of this Agreement, and with applicable local, state and federal statutes, regulations, policies and procedures.
- b. The Subgrantee shall make on-site reviews of the activities of owners of rental housing which conform to the requirements of 24 CFR part 92.504(d)(1) (On-site inspections).

16. **ANNUAL AUDIT:**

The Subgrantee shall provide for an independent, annual audit of all HOME expenditures under this Agreement, in accordance with OMB Circular A-133. Two copies of the audit report shall be furnished to the Grantee within 30 days after completion of the audit.

17. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

18. **INDEMNITY:**

Each party to this Agreement shall indemnify and hold harmless the other, its officers, agents and employees, from any and all claims, liability, causes of actions, suits of any nature, costs and expenses, including reasonable attorney's fees, resulting from or arising out of the party's intentional or negligent acts or omissions with respect to the duties, rights and privileges granted in or arising under this Agreement, including without limitation, fines and penalties, violation of federal, state or local laws, or regulations promulgated thereunder, personal injury, wrongful death or property damage claims. In the event that the parties are jointly or concurrently negligent, each shall indemnify and hold harmless the other party to the extent of its own negligence.

19. **CONFLICT OF INTEREST:**

No employee, agent, consultant, officer or appointed official of the Subgrantee, who is in a position to participate in a decision-making process or gain inside information with regard to any HOME activities, may obtain a personal or financial interest in or benefit from any of the activities, or have an interest in any contract, subcontract or agreement with respect thereto, or

in the proceeds thereunder, either for themselves, their family or business associates, during their tenure or for one (1) year thereafter.

20. **SUCCESSORS:**

This Agreement shall be binding upon each of the parties, and their assigns, purchasers, trustees, and successors.

21. **AMENDMENTS:**

This Agreement, including any Attachments and Exhibits, represents the entire agreement between the parties, which shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

22. **GOVERNING LAW:**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

23. **AVAILABILITY OF FUNDS:**

HOME Investment Partnerships Program (HOME) funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

24. **ANTI-LOBBYING:**

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with

this Agreement, the Subgrantee will complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By _____
Mary F. Parker, City Clerk

By _____
City Manager/Assistant City Manager

ATTEST:

FOR THE SUBGRANTEE:

By _____

By _____
John P. Baker, Executive Director

APPROVED AS TO HOME ELIGIBILITY

APPROVED AS TO FORM

Department of Management and Budget

Assistant City Attorney

APPROVED AS TO EXECUTION

APPROPRIATION AND FUNDS REQUIRED
FOR THIS CONTRACT CERTIFIED

Assistant City Attorney

Director of Finance

Date _____

Account # (See Attachment A.1.) _____

Attachment A.1.

**2001/2002 RRHA HOME Contract
Financial Accounts**

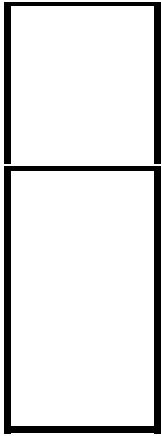
Account #

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| 5309-5283 |

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* Note: The amounts shown for carry-over projects are as of 6/30/01 and do not reflect payments made on 00/01 carry-over projects since that date. See Attachment A.2. for a listing of the 00/01 carry-over projects.

Attachment A.2.

2001/2002 RRHA HOME Contract

Carry-Over Projects

Proj #

Consolidated Loan Program:
256

258

259

260

261

262

263

264

Subtotal

Washingt
on Park
Housing
Enhance
ment
Program:
265

266

267

268

269

270

271

Subtotal

TOTAL

Attachment A.3.

URBAN DEVELOPMENT
GRANT PROGRAM

(Agreements \$10,000 or Over)

U.S. DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT BLOCK
SPECIAL TERMS AND CONDITIONS

1. **"Section 3" Compliance in the Provision of Training, Employment and Business Opportunities:**

- A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- D. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient

of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

- 2. **Equal Employment Opportunity:** Contracts subject to Executive Order 11246, as amended: Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

- A. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous

places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

- B. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Subgrantee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Subgrantee will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- E. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- F. In the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24,

1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

3. **Nondiscrimination Under Title VI of the Civil Rights Act of 1964:** This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under

this Agreement, the Subgrantee shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis or race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.

4. **Section 504 and Americans with Disabilities Act:**

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.

5. **Obligations of Subgrantee with Respect to Certain Third-party Relationships:** The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.

6. **Interest of Certain Federal Officials:** No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.

7. **Prohibition Against Payments of Bonus or Commission:** The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide

technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

8. **"Section 109"**: This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.
9. **Access to Records and Site of Employment**: This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964 (as amended) and in furtherance of the purpose of the Order and that Act.
10. **Legal Remedies for Contract Violation**: If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the Grantee may take one or more of the following actions, as appropriate in the circumstances:
 - 1) Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
 - 2) Disallow all or part of the cost of the activity or action not in compliance,
 - 3) Wholly or partly suspend or terminate the current Agreement, or
 - 4) Take other remedies that may be legally available.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the appropriate City officials to enter into the 2001-2002 HOME Investment Partnerships (HOME) Program Agreement with the Roanoke Redevelopment and Housing Authority, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, the 2001-2002 HOME Investment Partnerships (HOME) Program Agreement with the Roanoke Redevelopment and Housing Authority, approved as to form by the City Attorney, within the limits of funds and for the purposes as are more particularly set forth in the City Manager's letter dated August 20, 2001.

ATTEST:

City Clerk.

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award
Television Inspection of the Old
Roanoke
River Interceptor Sewer

The City of Roanoke completed construction of the Roanoke River Interceptor Sewer Replacement Project in July 2000. This project replaced the old sewer that was installed in approximately 1950. It was necessary to keep the old sewer in service while the new one was being built. Once completed, sewer flows were transferred to the new sewer.

The proposed contract will provide for the inspection of the old sewer by remote television cameras, cleaning of the sewer, and the identification and location of unknown active sewer service connections. The information provided by this inspection will allow staff to systematically transfer any unknown service connections to the new sewer and evaluate the feasibility of rehabilitating the old sewer to provide additional future capacity.

The project was properly advertised and two bids were received for the proposed television inspection work. The lowest bid was submitted by Heitkamp, Inc., and its Division TRB

Specialty Rehabilitation, 777 Annapolis Road, Gambrills, Maryland 21054, in the amount of \$576,745 with 90 days of contract time.

This project is part of the joint use sewer facilities improvement and the cost is shared between the City of Roanoke (36.7%), the City of Salem (33.7%), and Roanoke County (29.6%)

Funding for the project is available in existing Roanoke River Interceptor Sewer accounts 003-056-8485 and 003-056-8484. It is recommended that funding in the total amount of \$635,000 be transferred to a new account for the project. Additional funding in excess of the contract amount will be used for miscellaneous project expenses including advertising, printing, testing services, minor variations in bid quantities and unforeseen project expenses.

The Honorable Mayor and Members of Council
August 20, 2001
Page 2

Recommendation:

Accept the above bid and authorize the City Manager to execute a contract for the above work with Heitkamp, Inc., and its Division TRB Specialty Rehabilitation, in the amount of \$576,745 and 90 days of contract time for the proposed work. Transfer \$435,743 from account number 003-056-8485 and \$199,257 from account 003-056-8484, for a total amount of \$635,000, to a new account entitled Roanoke Interceptor TV Inspection.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/PCS/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney

James D. Grisso, Director of Finance

#CM01-00161

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of Heitkamp, Inc., and its Division TRB Specialty Rehabilitation, to provide for the inspection of the old sewer by remote television cameras, cleaning of the sewer, and the identification and location of unknown active sewer service connections to the Roanoke River Interceptor Sewer, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The bid of Heitkamp, Inc., and its Division TRB Specialty Rehabilitation, in the amount of \$576,745 to provide for the inspection of the old sewer by remote television cameras, cleaning of the sewer, and the identification and location of unknown active sewer service connections to the Roanoke River Interceptor Sewer, as is more particularly set forth in the City Manager's letter dated August 20, 2001, to this Council, such bid being in full compliance with the City's plans and specifications made therefor and as provided in the contract documents offered the bidder, which bid is on file in the Purchasing Department, be and is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, the requisite contract with the successful bidder, based on its proposal made therefor and the City's specifications made therefor, the contract to be in such form as is

approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.

3. Any and all other bids made to the City for the above work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

4. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: 2001-02 Community Development
Block Grant (CDBG) Agreement
with Roanoke Regional Chamber of
Commerce

Background:

Since 1998, the Chamber has conducted a "Community Business Development Initiative" program to promote business development in the central City. On May 7, 2001, City Council authorized the Chamber's 2001-02 CDBG activities and funding by Resolution No. 35319-050701, which approved submission of the City's 2001-02 Consolidated Plan Annual Update to the U.S. Department of Housing and Urban Development. City Council accepted the 2001-02 CDBG funds on June 18, 2001, by Budget Ordinance No. 35406-070201 and Resolution No. 35407-061801, contingent upon receipt of the approval letter from HUD. The approval letter was received on August 8, 2001.

Considerations:

In order for the Chamber to provide the business development activities approved in the Consolidated Plan, City Council's authorization to execute an agreement with the Chamber is needed. Necessary CDBG funding is available in the accounts listed on page 9 of the draft Agreement, which is attached to this report. A total of \$125,000 in CDBG funds is being provided to the Chamber for the July 1, 2001, to June 30, 2002, period.

Recommended Action:

Authorize the City Manager to execute the 2001-02 CDBG Agreement with the Chamber, similar in form and content to the draft attached to this report.

Respectfully submitted,

Darlene L. Burcham
City Manager

Attachments: 1

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Frank E. Baratta, Budget Team Leader

CM01-00137

AGREEMENT

This Agreement is made and entered into this first day of July, 2001, by and between the following parties:

| | |
|----------------|---|
| The Grantee | City of Roanoke, Virginia 215 Church Avenue, S.W. Roanoke, Virginia 24011 |
| The Subgrantee | Roanoke Regional Chamber of Commerce, Inc. 212 Jefferson Street, S.E. Roanoke, Virginia 24011 |

WITNESSETH:

WHEREAS, by Resolution No. 35405-061801 the Roanoke City Council approved the 2001/2002 Community Development Block Grant (CDBG) program and by Ordinance No. 35404-061801 appropriated funds therefor; and

WHEREAS, by Resolution No. ____-082001 the Roanoke City Council approved the execution of this subgrant agreement between the Grantee and the Subgrantee; and

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **SCOPE OF SERVICES:**

The Subgrantee shall undertake an economic development program whose ultimate aim is the creation of new employment opportunities in the City of Roanoke, as further described below. As part of this program, the Subgrantee shall provide one full-time and part-time support staff sufficient to ensure satisfactory performance of all activities including, but not limited to: outreach and marketing of the program, counseling of clientele, facilitating financial assistance, and other related business services.

During the period of performance, defined in section 2 below, the Subgrantee shall attain the following performance objectives:

- a. Outreach and market program services to at least 250 prospects to promote the creation of new businesses or business expansions within targeted areas of the City of Roanoke. Targeted areas in order of priority include:

Priority 1: Census Tracts with poverty rates of 20% or more (see Attachment 2 to this Agreement);

Priority 2: Census Tracts with poverty rates less than 20%, but at least 51% low- and moderate-income populations (see Attachment 3 to this Agreement);

Priority 3: Other areas of the City.

- b. Provide counseling and related services resulting in the preparation of business plans, obtaining of financing or other substantive developments for a minimum of 100 prospects considering creating new businesses or business expansions within targeted areas of the City. To count toward this performance objective, the prospect must have been provided such substantive developments during the current CDBG contract period.
- c. Development of at least 20 new jobs by businesses provided services under performance objective "b" above during the current or prior CDBG contract period. To count toward this performance objective, a job must be in one of the categories below. In addition, a job previously existing within the City or another community that is relocated to or within the City shall not be counted toward this performance objective.

Category 1: The business has newly located or expanded in, and will primarily provide services to residents of, a City Census Tract having a poverty rate of at least 20% (30% if any portion of the of the Central Business District is included in the Census Tract).

Category 2: At least 51% of the jobs by the business will be made available to or will be held by persons of low- or moderate-income. (Jobs in this category may be located within any area of the City.)

Category 3: The business is a newly-created "low-mod-owned microenterprise"; that is, a business with no more than five employees including the owner or owners, where the owner's or owners' family income does not exceed the low- and moderate-income limit. (Jobs in this category may be located within any area of the City.)

Specific documentation which must be obtained and retained by the program in order to receive credit for the creation of a given job is described in section 11 below.

2. **PERIOD OF PERFORMANCE:**

Unless amended, this Agreement shall be for the period beginning July 1, 2001, and ending June 30, 2002.

3. **BUDGET:**

The total amount of CDBG funds used for this project shall not exceed \$125,000. Specific line item amounts are provided below. With prior approval from the Department of Management and Budget, budgeted funds may be shifted among approved line items for expenses which are consistent with the Scope of Services and which do not exceed the funding limitations within the Administrative category.

The cost charged by the Subgrantee to lease the computers should be competitive. That is, the Subgrantee shall maintain documentation reflecting that the lease would not be an excessive cost compared to the cost to lease from other sources.

| |
|-----------------|
| Category |
| Salaries |
| Benefits |
| Mileage |

| |
|-------------------------|
| |
| Training |
| Leased Equipment |
| Telephone |
| General Office Supplies |
| Bookkeeping |
| Computer Software |
| Copying/Printing |
| Subscriptions/Dues |

| |
|--------------|
| |
| Postage |
| Marketing |
| Scholarships |
| |
| TOTAL |

4. **PROPOSED PAYMENT SCHEDULE AND PROCEDURES:**

This is a cost reimbursement contract. Requests for payment, including time sheets for each full- and part-time staff to be compensated, will be submitted to the Grantee's Department of Management and Budget for review and approval. Funds will be disbursed monthly, as needed. Approval of each reimbursement request will be subject to CDBG eligibility and timely receipt of monthly reports detailed in Paragraph 11. All requests for disbursements with respect to costs incurred during the period of performance, set forth in part 2, must be

received by the Grantee within 30 calendar days of the ending date of the Agreement. The Grantee shall not be bound to honor requests received after this 30-day period.

5. **NONDISCRIMINATION:**

This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d), Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act. No person in the United States shall on the ground of race, color, sex, disability, religion, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.

6. **INDEMNIFICATION:**

Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of Subgrantee including: (a) Subgrantee use of the streets or sidewalks of the City or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with Subgrantee on account of an alleged act of omission by the Subgrantee, in whole or in part, Subgrantee upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgment being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, as a result of an alleged act or omission by the Subgrantee, in whole or in part, either independently or jointly with Subgrantee then Subgrantee will pay such settlement or judgment in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

7. **COMPLIANCE WITH FEDERAL REGULATIONS:**

The Subgrantee agrees to abide by U.S. Department of Housing and Urban Development (HUD) conditions for CDBG programs and all other applicable federal regulations relating to specific programs performed hereunder.

8. **UNIFORM ADMINISTRATIVE REQUIREMENTS:**

The Subgrantee shall comply with the requirements and standards of OMB Circular No. A-110, "Uniform Administrative Requirements . . .", and OMB Circular No. A-122, "Cost Principles for Non-Profit Organizations."

9. **ANNUAL AUDIT:**

As an entity receiving less than \$300,000 in federal funding from the Grantee, the Subgrantee shall not be required by the Grantee to undergo an annual independent audit of the CDBG expenditures under this Agreement. Furthermore, no expenditures with respect to any such audit undertaken by the Subgrantee's own initiative shall be chargeable to the funds under this Agreement.

10. **PROGRAM INCOME:**

"Program income" means gross income received by the Grantee or Subgrantee directly generated from the use of CDBG funds. Program income from any and all sources shall be submitted to the Grantee within five (5) days of its receipt by the Subgrantee. No program income is expected.

11. **RECORDS AND REPORTS:**

The Subgrantee shall maintain full and accurate records with respect to all matters covered under this Agreement. All records pertaining to this Agreement and the services performed pursuant to it, shall be retained for a period of four (4) years after the expiration date of this Agreement or its amendments. Appropriate Grantee and/or HUD personnel shall have free access to those records during the Agreement duration and the following four-year time period.

On a monthly basis, the Subgrantee shall submit to the Grantee's Department of Management and Budget reports summarizing project activities and accomplishments using the CDBG

Monthly Report Formats located at Attachment 4 of this Agreement. These reports are to be received by the Grantee as part of the Subgrantee's with disbursement requests or by the 15th of the following month, whichever is earlier. In a timely manner upon completion of required documentation, the Subgrantee shall also submit Business Creation and Job Creation Reports Formats located at Attachment 5 of this Agreement. The Subgrantee agrees to submit any other reports as requested by the Grantee, including racial, ethnic and other demographic characteristics of individuals assisted by the Subgrantee, should such be required by HUD.

The following represents the documentation that the Subgrantee must obtain and retain in order to receive credit for facilitating the creation of jobs. (See also the CDBG Flowchart located at Attachment 6 of this Agreement.)

a. 20% Poverty Area - Location and Services

To receive credit for jobs as a result of a business newly locating or expanding in and primarily providing services to residents of a City Census Tract having a poverty rate of at least 20%, documentation shall include:

- (1) Verification that the address at which the business is locating or expanding is within a City Census Tract having a poverty rate of at least 20% (30% if any portion of the of the Central Business District is included in the Census Tract); and
- (2) Verification that the services to be provided by the business primarily to the residents of the Census Tract.

b. Creation/Retention of 51% Low/Mod Jobs

- (1) To receive credit that at least 51% of the jobs created **will be available to** low- and moderate-income persons, documentation for each assisted business shall include:

- (a) A copy of a written agreement containing
 - i. A commitment by the business that it will make at least 51% of the jobs available to low- and moderate- income persons and will provide training for any of those jobs requiring special skills or educations,
 - ii. A listing by job title of the permanent jobs to be created indicating which jobs will be available to low- and moderate- income persons, which jobs require special skills or education, and which jobs are part-time, if any, and

- iii. A description of actions to be taken by the Subgrantee and business to ensure that low-and moderate- income persons receive first consideration for those jobs ; and
 - (b) A listing by job title of the permanent jobs filled, which jobs of those were available to low- and moderate-income persons, and a description of how first consideration was given to such persons for those jobs. The description shall include what hiring process was used; which low- and moderate- income persons were interviewed for a particular job; and which low- and moderate- income persons were hired.
- (2) To receive credit that at least 51% of the jobs **will be held by** low- and moderate-income persons, documentation for each assisted business shall include:
- (a) A copy of a written agreement containing:
 - i. A commitment by the business that at least 51% of the jobs, on a full-time equivalent basis, will be held by low- and moderate- income persons; and
 - ii. A listing by job title of the permanent jobs to be created, identifying which are part-time, if any;
 - (b) A listing by job titles of the permanent jobs filled and which jobs were initially held by low- and moderate- income persons; and
 - (c) For each such low- and moderate- income person hired; the size and annual income of the person's family prior to the person being hired for the job.
- (3) To receive credit that the program benefited low- and moderate- income persons based on **the retention of jobs**, documentation for each assisted business shall include:
- (a) Evidence that in the absence of CDBG assistance jobs would be lost;
 - (b) For each business assisted, a listing by job title of permanent jobs retained, indicating which of those jobs are part-time and (where it is known) which are held by low- and moderate- income persons at the time the CDBG assistance is provided. Where applicable, identification of any of the retained jobs (other than those known to be held by low- and moderate- income persons) which are

projected to become available to low- and moderate- income persons through job turnover within two years of the time CDBG assistance is provided. Information upon which the job turnover projections were based shall also be included in the record;

- (c) For each retained job claimed to be held by a low- and moderate- income persons, information on the size and annual income of the person's family;
- (d) For jobs claimed to be available to low- and moderate- income persons based on turnover, a description covering the items required for Aavailable to@jobs paragraph of this section; and
- (e) Where jobs were claimed to be available to low- and moderate- income persons through turnover, a listing of each job which has turned over to date, indicating which of those jobs were either taken by, or available to, low- and moderate- income persons. For jobs made available, a description of how first consideration was given to such persons for those jobs shall also be included in the record.

c. Low-Mod-Owned Microenterprise

To receive credit for jobs as a result of a newly-created low-mod-owned microenterprise, documentation shall include:

- (1) Verification of no more than 5 employees in the enterprise, including the owner(s); and
- (2) Verification that, at the time that the CDBG assistance is being provided, the family income of the owner or owners does exceed the low-mod limit.

12. **CONFLICT OF INTEREST:**

No employee, agent, consultant, officer or appointed official of the Subgrantee, who is in a position to participate in a decision-making process or gain inside information with regard to any CDBG activity, may obtain a personal or financial interest in any contract, subcontract or agreement with respect thereto, or in the proceeds thereunder, either for themselves, their family or business associates, during their tenure or for one (1) year thereafter.

13. **SUSPENSION AND TERMINATION:**

In the event the Subgrantee materially fails to comply with any term of the Agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44, which provides latitudes for the Subgrantee to initiate such actions.

Funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

14. **REVERSION OF ASSETS:**

Upon expiration of this agreement, or amendments thereto, the Subgrantee shall transfer to the City any CDBG funds or program income on hand at the time of expiration, or received after such expiration, and any accounts receivable attributable to the use of CDBG funds.

15. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee. Further, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided, the Subgrantee shall remain fully obligated under the provisions of this Agreement. Any third party shall comply with all applicable requirements of this Agreement.

16. **ANTI-LOBBYING:**

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an office or employee of Congress, or an employee of a Member of congress in connections with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal funds have been paid or will be paid to any

person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying, " in accordance with its instructions.

17. **ENTIRE AGREEMENT:**

This Agreement, including all of its Exhibits, represents the entire agreement between the parties and this Agreement shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

18. **GOVERNING LAW:**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By _____

By _____

Mary F. Parker, City Clerk

—
City Manager/Assistant City Manager

ATTEST:

FOR THE SUBGRANTEE:

By _____

By _____

Robert Lawson, Chairman the Board
Roanoke Regional Chamber of Commerce
Commerce

—
Beth Doughty, President
Roanoke Regional Chamber of

APPROVED AS TO CDBG ELIGIBILITY

APPROVED AS TO FORM

Dept. Management and Budget

Assistant City Attorney

APPROVED AS TO EXECUTION

APPROPRIATION AND FUNDS REQUIRED
FOR THIS CONTRACT CERTIFIED

Assistant City Attorney

Director of Finance

Date

Acct. No. 035-G02-0230-5021 \$125,000

- Attachment 1 -- Other Federal Requirements**
- Attachment 2 -- City of Roanoke Census Tracts with 20% or Higher Poverty Rates**
- Attachment 3 -- City of Roanoke Census Tracts with 51% or more Low/Mod Income Populations**
- Attachment 4 -- CDBG Monthly Report Formats**
- Attachment 5 -- Business and Job Creation Reports Formats**
- Attachment 6 -- CDBG Flowchart**

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the appropriate City officials to enter into the 2001-2002 Community Development Block Grant (CDBG) Program Agreement with the Roanoke Regional Chamber of Commerce, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, the 2001-2002 Community Development Block Grant (CDBG) Program Agreement with the Roanoke Regional Chamber of Commerce, approved as to form by the City Attorney, within the limits of funds and for the purposes as are more particularly set forth in the City Manager's letter dated August 20, 2001.

ATTEST:

City Clerk.

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Juvenile Accountability Incentive
 Block Grant Award

Background:

The Department of Criminal Justice Services notified Roanoke and Roanoke County in March, 2001 of an allocation of funds under the Juvenile Accountability Incentive Block Grant Program (JAIBG). The allocation of \$44,795 in federal funds was awarded jointly to the two jurisdictions. A local match of \$4,978.00 is required.

Considerations:

The allocation formula provides \$32,522.00 federal and \$3,614.00 match for Roanoke and \$12,273.00 federal and \$1,364.00 match for Roanoke County. Staff from the jurisdictions have met and developed program proposals for the use of the funding. Roanoke County will provide a substance abuse intervention education program through the schools. Roanoke, in collaboration with the Boys & Girls Club, will provide services to students suspended or otherwise absent from school during the day.

Funding for the City's match of \$3,614.00 is in Account No. 001-630-5330-2010, State/Local Hospitalization . Roanoke is the fiscal agent for the funds.

Honorable Mayor and Members of City Council
August 20, 2001
Page 2

Recommended Action:

Authorize the City Manager or her designee to accept the JAIBG grant allocation of \$32,522 (Roanoke) and \$12,273 (Roanoke County), total amount of \$44,795, to execute the agreement from the Department of Criminal Justice Services for the funds, and authorize the appropriation of \$3,614 from Account No. 001-630-5330-2010, State/Local Hospitalization, to an account for the JAIBG allocation to be established by the Director of Finance.

Authorize the Director of Finance to establish appropriation amounts and revenue estimates for this grant.

Respectfully submitted,

Darlene L. Burcham
City Manager

GDR:tem

c: Rolanda A. Johnson, Assistant City Manager for Community Development
Glenn D. Radcliffe, Director of Human/Social Services
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Barry L. Key, Director of Management and Budget
John M. Chambliss, Jr., Assistant County Administrator

#CM01-00177

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Changes in Fees for various
park rentals

Background:

Parks and Recreation staff members have reviewed current fees charged for park shelters, recreation centers, athletic fields, etc. and have made recommendations for changes as reflected in the attached chart (See Attachment 1). Many of the fees have not been changed since 1990.

Considerations:

The fee increases being proposed have been kept to a minimum to have the least impact possible on citizens. In most cases, the increases are less than the rate of inflation. Further, basic services remain free to our citizens. The fee changes involve the cost of providing services or facilities, which a citizen has requested over and above basic citizens use. Offering such services involves provision of additional resources such as staff, more hours of heating or cooling our facilities, and/or special preparatory cleanings and maintenance. An example would be the right to exclusive use conferred in a recreation center or picnic shelter reservation.

The proposed increases are compatible to similar facilities in surrounding jurisdictions and reflect the rising costs of providing services, especially in areas such as utilities, custodial and staffing costs.

The Honorable Mayor and Members of Council
August 20, 2001
Page 2

In some cases, refundable damage deposits have been recommended. These are requested in situations where experience has taught the Department they are necessary.

Any additional funding derived from the fee increases will be used to improve services at Parks and Recreation's facilities.

As a result of City Council's work session on August 13, changes have been made to the recommended fees. In addition, Parks and Recreation staff has met with Dr. Harris to discuss these fees. Special consideration has been given to Roanoke City Schools as well as Neighborhood Partnership organizations in developing the recommended fee structure. These considerations are outlined in Attachment 1, page 8.

Recommended Action:

Adopt the attached fee changes effective September 1, 2001, thus allowing Parks and Recreation staff time to notify customers of the fee changes.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:kj

Attachment

c: Rolanda A. Johnson, Assistant City Manager for Community Development
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Dr. E. Wayne Harris, Superintendent of Schools
Wanda B. Reed, Acting Director of Parks and Recreation
Stephen Niamke, Neighborhood Partnership Coordinator

#CM01-00150

Proposed Fee Compendium Changes (8-15-01)
Parks and Recreation

| Facility or Service | Current Fee Compendium Prices | | Proposed |
|---|--|--|---|
| | Resident | Non Resident | Resident |
| Recreation Centers: Grandin Court, Eureka, Preston, Buena Vista, Villa Heights, Garden City, Norwich, Thrasher (After Hours Only) | After hours: \$35 first hour/ \$20 for each additional hour During Regular Hours: Service Charge \$10 per hour (Note: Often this fee is not charged.) | After Hours: \$40 first hour/ \$25 for each additional hour During Regular Hours: Service Charge \$15 per hour (Note: Often this fee is not charged.) | \$40 first hour/\$25 for each additional hour plus \$50.00 refundable damage deposit During Regular Hours: If available, space will be provided free of charge Cancellations: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$25 service charge will be refunded. |
| Recreation Center: Mountain View | After Hours: \$75 first hour/ \$40 for each additional hour During Regular Hours: Service Charge of \$10 per hour (Note: Often this fee is not charged.) | After Hours: \$80 first hour/ \$45 for each additional hour During Regular Hours: Service Charge of \$10 per hour (Note: Often this fee is not charged.) | \$150 first two hours/\$50 each additional hour plus \$100 refundable damage deposit (or \$200 if alcohol is permitted) During Regular Hours: If available, space will be provided free of charge Cancellations: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, Reservation fees minus a \$75 service charge will be refunded. |

| | Resident | Non Resident | Resident |
|--|---|---|---|
| Mountain View: Rose Garden | Not covered under current fee compendium | Not covered under current fee compendium | <p>After Hours: \$75/day plus \$100 refundable damage deposit</p> <p>During Regular Hours: Free</p> <p>Cancellations: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$15 service charge will be refunded.</p> |
| Gymnasium: Norwich, Eureka, Armory | \$25/hour | \$25/hour | \$25/hour |
| Swimming Pools: | <p>After Hours rental: \$100 for 3 hours or less, plus staff costs</p> <p>Regular Hours: Children Under 5 - free Youth (ages 5 to 15) - \$1 Adults (ages 16 and up) - \$2</p> | <p>After Hours Rental: \$150 for 3 hours or less, plus staff costs</p> <p>Regular Hours: Children Under 5 - free Youth (ages 5 to 15) - \$1 Adults (ages 16 and up) - \$2</p> | <p>After Hours Rental: \$125 for 3 hours or less, plus staff costs</p> <p>Regular Hours: Children Under 5 - free Youth (ages 5 to 15) - \$1 Adults (ages 16 and up) - \$2</p> |
| Athletic Fields: Rental (Notes: -Does not apply to tournaments -Does not include field lighting which is \$7.50 per hour | \$10 per hour with 2 hour minimum | \$15 per hour with 2 hour minimum | \$12.50 per hour |

| | | | |
|--|--|--|--|
| Athletic Fields: Dragging and Marking (cost additional to any other charges for athletic fields, with exception of tournaments) | \$25 per field | \$25 per field | <u>Full Football</u> (Includes lines @ 10 yard intervals and numbers @ 10 yard intervals): \$175 per field <u>Flag Football</u> (Includes field perimeter and yard intervals): \$125 per field <u>Soccer</u> (Includes perimeter out of bounds lines, 6 yard and 18 yard boxes, proportionately to field size): \$125 per field <u>Baseball and Softball</u> (Includes batter's boxes and pitchers circle, dragging field and filling obvious holes): \$100 per field |
| Athletic Fields: Tournaments | No special price for tournaments | | \$5/team entered into tournament whichever is greater (minimum plus direct costs for staff and field. (This cost covers dragging and marking, not lighting.) |
| Picnic Shelters: Crystal Spring Eastgate, Eureka, Fallon, Fishburn, Golden, Jackson, Melrose, Preston, Smith, Strauss, Thrasher, Washington -Upper, Washington - Lower, Wasena - Brick, Wasena - Stone | \$25 for half day \$35 for full day | \$35 for half day \$40 for full day | \$30 for half day \$40 for full day Cancellations: Reservation fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, only 50% of the reservation fee will be refunded. |

| | | | |
|---|--|--|---|
| Picnic Shelter: Mill Mountain | N/A – New Facility | N/A – New Facility | <p>\$45 for half day \$60 for full day</p> <p>Cancellations: Reservation fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, only 50% of the reservation fee will be refunded.</p> |
| Discovery Center (may be rented after operational hours only) | N/A – New Facility | N/A – New Facility | <p>\$175 first two hours, \$50 for each hour after plus \$100 refundable damage deposit (or \$200 if alcohol is permitted)</p> <p>Cancellations: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$75 service charge will be refunded</p> |
| Laban Johnson (Elmwood Park) Amphitheater | <p>\$25/half day \$35/full day</p> | <p>\$35/half day \$45/full day</p> | <p>\$150 for first eight hours, \$15 for each additional hour</p> <p>Cancellations: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$50 service charge will be refunded.</p> |

| | | | |
|--|---|---|---|
| Stage One Canopy (Elmwood Park) | Not covered under current fee compendium | Not covered under current fee compendium | \$75/day |
| “Festival” Trash Receptacles and liners | Not covered in current fee compendium | Not covered in current fee compendium | \$4.00/container |
| Open Space Rental | Not covered in current fee compendium | Not covered in current fee compendium | \$150/day \$150 refundable damage deposit |

| | | | |
|------------------------|--|--|--|
| Mobile Stage | | | <p>Event - Held in City, co-spor No charge if set-up and take-d as to whether to charge for dir</p> <p>Event - Held in City by any admission is charged: \$600 for 8 hours or less plus \$</p> <p>Event - Held in City by 501 participation or admission is \$900 for eight hours or less plu</p> <p>Event - Held in the City and such as for participation or a \$900 for eight hours or less plu Plus 15% of Gross revenues c</p> <p>Event - Held outside the City The Mobile Stage shall not be Valley-wide event and the ever</p> <p>Additional personnel will be r cost for these personnel will be by the Office of Management a</p> <p>Reservation fee shall be 50%</p> <p>Cancellation: Made within 72 hours of the se retained as service charge</p> <p>Made after the vehicle has left</p> |
| Special Considerations | | | <p>School Functions: Teacher affiliated field t requested. Events sponsored by PT accordance with the Fee Com School affiliated events charged, depending on the ser</p> <p>Neighborhood Partnership M Rental fees for regular r waived.</p> |

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending the City's Fee Compendium to provide for revised fees for use of City park facilities and services in order to update current fees and promote uniformity with fees charged by the City and surrounding localities; and providing an effective date.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The following fees shall be charged for the following permits and services:

| Facility or Service | Resident | Non-Resident |
|--|--|--|
| Recreation Centers: Grandin Court, Eureka, Preston, Buena Vista, Villa Heights, Garden City, Norwich, Thrasher (After Hours Only) | <p>\$40 first hour/\$25 for each additional hour plus \$50.00 refundable damage deposit</p> <p>During Regular Hours: If available, space will be provided free of charge</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$25 service charge will be refunded</p> | <p>\$45 first hour/\$30 for each additional hour plus \$50.00 refundable damage deposit</p> <p>During Regular Hours: If available, space will be provided free of charge</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$25 service charge will be refunded.</p> |
| Recreation Center: Mountain View | <p>\$150 first two hours/\$50 each additional hour plus \$100 refundable damage deposit (or \$200 if alcohol is permitted)</p> <p>During Regular Hours: If available, space will be provided free of charge</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, Reservation fees minus a \$75 service charge will be refunded.</p> | <p>\$175 first two hours/\$60 each additional hour plus \$100 refundable damage deposit (or \$200 if alcohol is permitted)</p> <p>During Regular Hours: If available, space will be provided free of charge</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, Reservation fees minus a \$75 service charge will be refunded.</p> |

| | | |
|---|---|---|
| Mountain View: Rose Garden | <p>After Hours: \$50/hour plus \$100 refundable damage deposit</p> <p>During Regular Hours: Free</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$15 service charge will be refunded.</p> | <p>After Hours: \$50/hour plus \$100 refundable damage deposit</p> <p>During Regular hours: Free</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$15 service charge will be refunded</p> |
| Gymnasium: Norwich, Eureka, Armory | \$25/hour | \$30/hour |
| Swimming Pools: | <p>After Hours Rental: \$125 for 3 hours or less, plus staff costs</p> <p>Regular Hours: Children Under 5 - free Youth (ages 5 to 15) - \$1 Adults (ages 16 and up) - \$2</p> | <p>After Hours Rental: \$175 for 3 hours or less, plus staff costs</p> <p>Regular Hours: Children Under 5 - free Youth (ages 5 to 15) - \$1 Adults (ages 16 and up) - \$2</p> |
| Athletic Fields: Rental (Does not apply to tournaments) | \$12.50 per hour | \$17.50 per hour |
| Athletic Fields: Dragging and Marking (cost additional to any other charges for athletic fields, with exception of tournaments) | <p><u>Full Football</u> (Includes lines @ 5 yd. intervals, all hashmarks, and numbers @ 10 yard intervals): \$175 per field</p> <p><u>Flag Football</u> (Includes field perimeter outline, and lines @ 10 yd. intervals): \$125 per field</p> <p><u>Soccer</u> (Includes perimeter outline, midfield line/circle, plus 6 yard and 18 yard boxes. Note - youth fields marked proportionately to field size): \$125 per field</p> <p><u>Baseball and Softball</u> (Includes all foul lines,</p> | |

| | | |
|---|--|--|
| | coaches boxes, batter's boxes and pitchers circle - if applicable - plus broom dragging field and filling obvious holes): \$100 per field | |
| Athletic Fields: Lighting (cost additional to any other charges for athletic fields) | \$7.50 per hour | \$7.50 per hour |
| Athletic Fields: Tournaments | \$5/team entered into tournament, or \$125 per field per day, whichever is greater (minimum \$125) plus direct costs for staff and \$200 refundable deposit per field. (This costs covers dragging and marking services, but not lighting.) | |
| Tennis Courts | \$2.50 per hour per court | \$3.00 per hour per court |
| Picnic Shelters: Crystal Spring Eastgate, Eureka, Fallon, Fishburn, Golden, Jackson, Melrose, Preston, Smith, Strauss, Thraasher, Washington -Upper, Washington - Lower, Wasena - Brick, Wasena - Stone | \$30 for half day \$40 for full day Refunds: Reservation fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, only 50% of the reservation fee will be refunded. | \$40 for half day \$50 for full day Refunds: Reservation fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, only 50% of the reservation fee will be refunded. |
| Picnic Shelter: Mill Mountain | \$45 for half day \$60 for full day Reservation fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, only 50% of the reservation fee will be refunded. | \$60 for half day \$75 for full day Reservation fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, only 50% of the reservation fee will be refunded. |
| Discovery Center | \$175 first two hours, \$50 for each hour after | \$225 first two hours, \$75 for each hour |

| | | |
|---|--|---|
| (may be rented after operational hours only) | <p>plus \$100 refundable damage deposit (or \$200 if alcohol is permitted)</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$75 service charge will be refunded</p> | <p>after plus \$100 refundable damage deposit (or \$200 if alcohol is permitted)</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$75 service charge will be refunded</p> |
| Labon Johnson (Elmwood Park) Amphitheater | <p>\$125 for first eight hours, \$15 for each additional hour</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$50 service charge will be refunded.</p> | <p>\$175 for first eight hours, \$20 for each additional hour</p> <p>Refunds: Rental fees are fully refundable if cancellation is made at least 72 hours before the reserved time. If cancellation is made less than 72 hours before the reserved time, rental fees minus a \$50 service charge will be refunded.</p> |
| Stage One Canopy (Elmwood Park) | Direct Cost of Erection and Breakdown of Canopy plus 15% of direct costs | Direct Cost of Erection and Breakdown of Canopy plus 15% of direct costs |
| Highland Park Amphitheater | <p>\$25/half day</p> <p>\$35/full day</p> | <p>\$35/half day</p> <p>\$45/full day</p> |
| Support for Non-departmental, Non-City Special Events | Official Departmental Rate (as established yearly by Office of Management and Budget) per employee per hour. | Official Departmental Rate (as established yearly by Office of Management and Budget) per employee per hour |
| AFestival@ Trash Receptacles and liners | Cost to Department plus 10% rounded up to next highest dollar amount. | Department Cost plus 10% rounded up to next highest dollar amount. |
| Mobile Stage | <p>Event - Held in City, co-sponsored by Parks and Recreation Dept.: No charge if set-up and take-down are during business hours. If overtime labor is involved, decision as to whether to charge for direct labor costs shall be determined by Director of P&R</p> <p>Event - Held in City by any user and for which no fee, such as participation, entrance or admission is charged: \$600 for 8 hours or less plus \$100 per each additional hour</p> <p>Event - Held in City by 501(c) 3 non-profit organization and for which a fee, such as for participation or admission is charged: \$900 for eight hours or less plus \$125 per each</p> | |

| | |
|--|---|
| | <p>additional hour</p> <p>Event - Held in the City and which is sponsored by any other person or entity for which a fee, such as for participation or admission, is charged: \$900 for eight hours or less plus \$125 per each additional hour plus 15% of Gross revenues collected by user</p> <p>Event - Held outside the City: The Mobile Stage shall not be used outside the City of Roanoke unless it is to provide support for a Valley-wide event and the event is co-sponsored with the City of Roanoke.</p> <p>Additional personnel will be needed if stage panels are requested, or an electrician is needed. The cost for these personnel will be billed at the appropriate City Department's rate as established yearly by the Office of Management and Budget, and will be for a minimum of four hours per person.</p> <p>Reservation fee shall be 50% of total rental.</p> <p>Cancellation: Made more than 72 hours prior to set-up time - 25% of rental fee will be retained as service charge</p> <p>Made within 72 hours of the set-up time but before vehicle leaves garage - 75% of rental fee will be retained as service charge</p> <p>Made after the vehicle has left the garage - none of the rental fee will be refunded.</p> |
|--|---|

3. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by the City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the new and amended fees.

4. Resolution No. 32412-032795 is hereby amended to the extent and only to the extent of any inconsistency with this Resolution.

5. The fees established by this Resolution shall remain in effect until amended by this Council.

6. This Resolution shall be in full force and effect on September 1, 2001.

ATTEST:

City Clerk.

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Purchase of Hydraulic Crane
Bid No. 01-07-01

Background:

Capital Maintenance and Equipment Replacement Program (CMERP) for the prior year identified the need to replace one (1) hydraulic crane for Parks and Recreation.

Considerations:

Bids were requested after due and proper advertisement. Four (4) bids were received. The lowest bid meeting specifications for the cab and chassis was submitted by Magic City Motor Corporation, Roanoke, Virginia in the amount of \$43,888.00. The lowest bid on the hydraulic crane, submitted by Power Line Rent Equipment, took exceptions to required boom length, jib, basket capacity and outrigger specifications. These exceptions are substantial and cannot be waived as informalities, thus the bid is non-responsive. The lowest bid meeting specifications for the hydraulic crane was submitted by J.W. Burress, Inc., Roanoke, Virginia in the amount of \$69,988.00. Funding is available from the SunTrust Lease of Vehicle Account #017-440-9851-9015.

Recommended Action:

Award the bids as set forth above and authorize the issuance of purchase orders for a total cost of \$113,876.00 and reject all other bids.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:bdf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
James A. McClung, Manager, Fleet Management
Robert L. White, Manager, Purchasing

CM01-00185

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting two bids for the purchase of one (1) hydraulic crane and one (1) cab/chassis upon certain terms and conditions, finding that the low bidder with regard to the hydraulic crane did not provide a responsive bid, and rejecting all other bids made for such equipment.

BE IT RESOLVED by this Council of the City of Roanoke that:

1. The low bidder on the hydraulic crane took exceptions to required boom length, jib, basket capacity and outrigger specifications requested in the bid. The low bidder did not submit a bid which conformed in all material respects to the invitation for bid and was thus nonresponsive.

2. The bids in writing of the following named bidders to furnish to the City the items hereinafter set out and generally described, such items being more particularly described in the City's specifications and any alternates and in each bidder's proposal, are the lowest responsive bids and are hereby ACCEPTED, as set forth in the City Manager's letter to Council dated August 20, 2001, at the purchase prices set out with each item:

| Quantity | Description | Successful Bidder | Purchase Price |
|----------|-----------------------|---------------------------------------|----------------|
| 1 | cab/chassis for crane | Magic City Motor Corp. Roanoke, VA | \$43,888.00 |
| 1 | hydraulic crane | J.W. Burress, Inc. Roanoke, VA | \$69,988.00 |

3. The City's Manager of the Purchasing Department is hereby authorized and directed to issue the requisite purchase orders therefor, incorporating into said orders the City's specifications, the terms of said bidder's proposal and the terms and provisions of this resolution.

4. Any and all other bids made to the City for the aforesaid procurement are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

ATTEST:

City Clerk

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Funding for the Fifth District
 Employment and Training
 Consortium

Background:

The Fifth District Employment and Training Consortium (FDETC) administers the federally funded Workforce Investment Act (WIA) for the region, which encompasses the counties of Alleghany, Botetourt, Craig, Franklin and Roanoke as well as the cities of Covington, Roanoke and Salem. WIA funding is for two primary client populations:

- dislocated workers who have been laid off from employment through no fault of their own, and
- economically disadvantaged individuals as determined by household income guidelines set by the U.S. Department of Labor.

The City of Roanoke is the grant recipient and fiscal agent for the FDETC funding, thus, City Council must appropriate the funding for all grants and other monies the FDETC receives.

- I. The state office of the Virginia Employment Commission (VEC) has sent the Consortium notice of an award in the amount of \$10,000 to purchase stationery, business cards, publications and signs, which contain the official Virginia Workforce Logo.

Honorable Mayor and Members of City Council

August 20, 2001

Page 2

2. CDBG funds were awarded to the FDETC for project management and administration of the Employment Training Program in the amount of \$43,000. (The Employment Training Program is designed to assist low to moderate-income individuals in their efforts to obtain employment).
3. Jurisdictions in the Fifth Planning District, which include the cities of Salem, Covington, and Roanoke, the counties of Roanoke, Alleghany, Botetourt and Craig, as well as Franklin County contribute funds to offset the agency's administrative costs. The County of Botetourt has sent a contribution of \$1,770 for the fiscal year 2001.

Considerations:

- Program Operations - Existing activities will continue and planned programs will be implemented.
- Funding - Funds are available from the Grantor agency and other sources as indicated, at no additional cost to the City.
- Timing - Immediate action will allow activities to be implemented and completed within planned time frames, July 1, 2001 through June 30, 2002.

Recommended Action:

Appropriate the FDETC's funding totaling \$54, 770 and increase the revenue estimate by \$54, 770 in accounts to be established in the Consortium fund by the Director of Finance.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:wc

c: Rolanda A. Johnson, Assistant City Manager for Community Development
Mary C. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Barry L. Key, Director of Management and Budget
Glenn Radcliffe, Director of Human Services

CM01-00184

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Library of Virginia
Infopowering Grant Funds.

The Raleigh Court and Williamson Road Branch Libraries have each been awarded a grant of \$11,400 by the Library of Virginia to purchase 4 computers for each branch. These branches were not eligible for the grant from the Bill & Melinda Gates Foundation which was received by the other branch libraries.

Recommended Action:

Accept the Library of Virginia Grant and authorize the City Manager to execute the requisite grant documents upon form approved by the City Attorney.

Establish revenue estimates of \$22,800 in accounts to be established by the Director of Finance in the Grant Fund. Appropriate funds totaling the same in accounts to be established by the Director of Finance.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:sme

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Rolanda A. Johnson, Assistant City Manager for Community Development

#CM01-00174

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Local Law Enforcement
Block Grant 2001-2003

Background:

For fiscal year 2001, Congress has appropriated funds for continuation of the Local Law Enforcement Block Grant (LLEBG) Program, to be administered by the Bureau of Justice Assistance and the U.S. Department of Justice. The purpose of the LLEBG Program is to provide funds to units of local government to underwrite projects to reduce crime and improve public safety. Roanoke has been awarded an amount of \$140,859, and grant conditions require a local match of \$15,651, for a program totaling \$156,510. The program period is October 1, 2001 through September 30, 2003. If accepted, this award would renew Roanoke's LLEBG Grant Program for the sixth consecutive year.

The deadline for acceptance of this grant is August 31, 2001. Grant funds become available only after a public hearing and an LLEBG Program advisory committee meeting has been conducted. The public hearing and LLEBG advisory committee meeting must be conducted prior to October 15, 2001.

Grant conditions require that funds supplement rather than supplant local monies. Grant

funds will be used for: (1) payment of overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel and (2) procuring equipment, training and other materials directly related to basic law enforcement functions. Police bicycle patrol, directed at specific/problem areas or neighborhoods will be expanded through implementation of this program.

Considerations:

The LLEBG Program requires that all grant funds (\$156,510) be placed in an interest bearing account. Based on interest earned during each of the past five years of LLEBG funding, interest earnings of \$5,000 are projected. The LLEBG local cash match of \$15,651 is available in the Police Department's State Asset Forfeiture account — account number 035 050 3302 2149.

Recommended Action:

Authorize the City Manager to accept the grant and execute any required documentation.

Appropriate \$161,510 to grant fund accounts to be established by the Director of Finance in the following amounts:

| | |
|--------------------------|------------|
| Police Overtime | \$134,840 |
| FICA | 11,170 |
| Expendable Equipment | 15,000 |
| Training and Development | <u>500</u> |
| Total | \$161,510 |

Increase revenue estimates in accounts to be established by the Director of Finance.

Authorize unexpended grant funds to draw interest in accordance with grant requirements.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:DC

c: Mary F. Parker, City Clerk

Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
A.L. Gaskins, Chief of Police

#CM01-00182

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Mutual Automatic Aid for Fire Protection
Services with the City of Salem

Background:

The cities of Salem and Roanoke currently have fire "mutual aid" agreements with each other. Additionally, both jurisdictions are part of a statewide mutual aid agreement. These agreements have specific provisions which require the jurisdiction needing assistance to make a formal request to the providing agency.

The proposed agreement takes mutual aid one step further to "automatic aid." Automatic aid is defined as the appropriate response to an incident, initiated through the 9-1-1 system of the jurisdiction in which the incident is occurring, without being specifically requested. Response zones are pre-determined and fire resource committed based on terms of the agreement, usually response time or distance. As required by law, each party will be required to indemnify the other party from all claims by third persons for property damage, personal injury, or death which may arise out of the activities of the assisting party.

Concurrent with the approval of the automatic aid agreement with Salem, authorization for termination of the lease for Fire Station No. 12, 4810 Salem Turnpike, NW, is requested. The lease agreement requires ninety (90) days written notification prior to termination.

The primary area currently served by Fire-EMS Station No. 12 will receive fire and rescue

services from Fire-EMS Station No. 13, 4330 Appleton Avenue, NW and Station No. 4, 3763 Peters Creek Road, in addition to fire response from the City of Salem. The level of emergency response from these locations will provide fire and emergency

The Honorable Mayor and Members of Council
August 20, 2001
Page 2

medical services which are comparable to other sections of the city which have similar service needs and will meet the requirements of the annexation agreement.

Recommended Action:

Authorize the City Manager to execute the Memorandum of Agreement for Mutual Automatic Aid for Fire Protection Services with the City of Salem, in substantially the same form as attached hereto; such agreement to be approved as to form by the City Attorney and give notice of termination of the lease of Fire Station No. 12.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/JG/bss

Attachments

c: James D. Grisso, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
James Grigsby, Fire-EMS Chief

CM01-00192

**Memorandum of Agreement
For Mutual Automatic Aid For Fire Protection Services**

This Memorandum of Agreement for Mutual Automatic Aid For Fire Protection Services (hereinafter “Agreement”) made this ____ day of _____, 2001 by the City of Salem and City of Roanoke, each a municipal corporation within the Commonwealth of Virginia.

Whereas, Virginia law authorizes local governments to enter into reciprocal agreements for aid and cooperation in the furnishing of fire and related rescue services (sections 15.2-1300, 27.2, and 27-23.9, Code of Virginia (1950), as amended); and

Whereas the above-named local governments have determined the provision of fire services across jurisdictional lines will increase their ability to serve designated sections of their jurisdictions; and

Whereas, it is deemed to be mutually beneficial to the parties hereto to enter into an agreement concerning automatic aid and cooperation with regard to fire services; and

Whereas, the parties desire that the terms and conditions of the Agreement be established; now therefore,

WITNESS:

That for and in consideration of the mutual benefits to be derived from an agreement to render automatic fire services aid, the parties hereto agree as follows:

- 1. Each party will automatically respond one fire pumper apparatus to reported structural fires within the areas defined below.**

2. **City of Salem response area into the City of Roanoke will be from city limit east to Peters Creek Road, north to Melrose Avenue and south to Shenandoah Avenue.**
3. **City of Roanoke response area into the City of Salem will be city limit west to Electric Road north to East Main Street, south to Roanoke Boulevard.**
4. **Command and control of emergency scenes is vested in the authority having jurisdiction; however, the commander of the first company to arrive shall have general supervision and control until an officer of the City that is otherwise authorized by law to do so shall assume such general supervision and control.**
5. **The Roanoke Valley Incident Management System shall be used to establish and maintain emergency scene activities.**
6. **A radio communications system shall be established for the handling of cross-jurisdictional emergencies.**
7. **All fire personnel, agents and other employees of the parties to this agreement who are acting pursuant to this agreement shall have the same powers, rights, benefits, privileges and immunities as provided by law in each jurisdiction.**
8. **The services performed and expenditures made under this agreement shall be deemed to be for public and governmental purposes and all immunities from liability enjoyed by any local government and its fire personnel within its boundaries shall extend to its participation in rendering assistance outside its boundaries.**
9. **Each party to this Agreement expressly waives any and all claims against the other party that may arise out of its activities outside its respective jurisdiction under such Agreement.**
10. **The party receiving assistance shall indemnify and save**

harmless the other party from all claims by third parties for property damage, personal injury, or death which may arise out of the activities of the assisting party.

11. Services performed by the assisting party shall be rendered without reimbursement from the other party.

12. This agreement shall be instituted on a six (6) month trial basis at which time the respective administrators will receive a full evaluation of this agreement. If the performance perimeters are determined satisfactory by both parties, this agreement will continue in perpetuity until terminated by either party by giving at least a three (3) month notice to the other in writing.

City of Salem

City of Roanoke

By: _____ **By:** _____

Forest Jones
Salem City Manager

Darlene L. Burcham
Roanoke City Manager

Date: _____

Date: _____

Attest:

Attest:

City Clerk

City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing an agreement with the City of Salem, Virginia, to provide mutual automatic aid for fire protection services within designated areas; and authorizing notice of termination of the lease for the fire station located at 4810 Salem Turnpike, N.W.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized on behalf of the City, to execute and attest, respectively, a Memorandum of Agreement for Mutual Automatic Aid for Fire Protection Services with the City of Salem, Virginia, which provides for mutual automatic aid for fire services within designated areas of the respective cities.
2. Such agreement to be in substantially the form attached to the City Manager's letter to this Council dated August 20, 2001, the form of such agreement to be approved as to form and execution by the City Attorney.
3. The City Manager is hereby authorized on behalf of the City to provide notice of termination of the lease for the fire station located at 4810 Salem Turnpike, N.W.
4. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

August 20, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William O. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Jr., Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Fiscal year 2001 has come to a close with a positive financial performance and relatively strong year end fund balance. As you know, it has been a year of growth, progress, and challenges. The City of Roanoke has worked hard in the past year to implement a number of new or improved programs aimed at increasing quality service to our citizens. Such efforts include the extensive project of updating our comprehensive plan, where numerous meetings were held to ensure citizen input to create the best possible plan. Another major initiative has been the recent focus on improvements and efficiencies in our solid waste collection system. Additional focus on recycling and City wide attention on greenways, conservation and the environment have also taken place. The City is committed to providing broad based opportunities for its citizens while also working to bring new business and growth to our city.

Challenges that have and will continue to face the City include the balance of economies between the local and State governments, particularly in times of a slowing economy where efforts to benefit one level of government may come at a cost to another level. Increasing pressures to meet funding demands are present. We are challenged with the

job of setting priorities as to funding needs while attempting to retain a conservative and balanced financial position in doing so. As we continue to look forward to the future, the City will engage in major development projects in upcoming years as we plan issuance of our largest bond issue. This issue, targeted at over \$56 million, will pave the path for our new stadium and amphitheater project, Civic Center improvements, Roanoke Academy, the flood remediation project, Crystal Spring water filtration plant, neighborhood curb and gutter construction, Gainsboro parking garage, and phase I of the South Jefferson redevelopment project. We look forward to working toward these projects in the future, and we are pleased to present this report on the financial performance of 2001, another successful year for our City.

The **unaudited** financial statements are provided to you for planning purposes. The amounts reported herein may change during the course of our annual external audit.

A discussion of the City's General Fund operations for fiscal year 2001 follows. Our revenue estimate from all sources was \$183,974,493, while actual collections totaled \$186,641,942. Total General Fund revenues collected increased 2.92% and exceeded the estimate by 1.45%.

The major revenue sources in our revenue estimates are outlined in the following schedule:

Source

Real Estate Taxes

Personal Property (Total)

Sales Tax

Utility Taxes

Business and Professional

License Tax

Public Service Tax

Penalties and Interest

| | |
|---|------------------|
| Bank Stock Tax | |
| Rental Car Tax | |
| Social Services Funding from the Commonwealth | |
| | |
| | Jail Block Grant |
| All Other Revenue | |
| Total General Fund Revenue | |

General property taxes showed only slight growth at .42% while other local taxes achieved growth of more than 5%. General property tax revenue has been significantly impacted by the increased portion of personal property revenue funded by the Commonwealth of Virginia, which is recorded in the Grants-in-Aid Commonwealth revenue category. Inclusive of total personal property tax revenue, revenue in the General Property Tax category grew 4.23% over FY00.

Real estate tax revenues grew approximately 4.4%, and exceeded their estimate by 1.27%. Personal property taxes, producing growth of 2.52% since last year, were slightly under their estimate. Sales taxes produced moderate growth of .39% or \$69,086, but under performed our estimate by 3%. Other local taxes providing growth included utility tax, prepared food and beverage tax, Business and Professional Occupational License (BPOL) tax, cigarette tax, and bank stock taxes.

Listed below is a five year history of our General Fund revenue estimates compared to actual revenues.

GENERAL FUND

Fiscal

| |
|--------------------|
| <u>Year</u> |
| 2001 |

2000

1999

1998

1997

General Fund Statement of Revenues

A summary of unaudited revenues by category and the variances between actual collections and the budgetary estimates may be found on page 19. The following narrative discusses significant revenue trends for the year.

General Property Taxes

This category includes taxes on real estate, personal property and public service corporations as well as penalties and interest. Estimated revenues for this category were \$66,238,798 while actual collections were \$67,776,339, achieving 102.32% of the budget. Real estate taxes increased by \$1,978,315 since FY00, providing growth of 4.43%. Personal property taxes recorded in this category are below the prior year due to the increased percentage of funding provided by the Commonwealth of Virginia. Personal property tax revenue funded by the Commonwealth is reflected in the Grants-in-Aid-Commonwealth revenue category. Total personal property revenue, including the state share, has increased 2.52% over the same period in the prior year, achieving 99.9% of the budget amount, and were in excess of the FY00 total by \$578,841. Public service corporation taxes rose \$421,728, and exceeded the budgeted amount. Penalties and interest increased \$79,865 from FY00, well in excess of the budgeted level.

Other Local Taxes

This category includes sales tax, utility tax, cigarette tax, business, professional, and occupational license tax, transient room tax, franchise tax, prepared food and beverage tax and other miscellaneous local taxes. This category of taxes serves as one of the best indicators of the strength of the local economy. The total estimate for this category was \$55,834,655, while actual collections were \$58,663,094. Collections exceeded the budget by 5.07%, providing growth of 5.22% since FY00.

Sales tax rose \$69,086 or .39%, but fell slightly below the budgeted amount. Utility tax showed growth of 7.8% or \$914,192 over FY00. Electric and gas utility tax have increased compared to the prior year due to increased consumption. Cellular phone tax is up \$274,317 or 69.20% due to escalating cell phone usage. Business and professional occupational license tax is up from the prior year, and has exceeded the budget estimate by 9.09%. Prepared food and beverage taxes grew since FY00 and exceeded the budget by 2.06% due to several new restaurant openings. Bank stock tax, cigarette tax and transient room tax also increased.

Permits, Fees and Licenses

This revenue category includes dog licenses, building related fees, various inspection fees and street opening permits. Revenues for this category totaled \$840,520 increasing \$13,301 from FY00, and exceeding the budget of \$729,250 by 15.26%. The increase is due to higher than budgeted revenues from building, electrical and plumbing inspection fees. A continued high level of construction activity contributes to this revenue growth.

Fines and Forfeitures

This category consists of parking tickets and fines collected by various courts. Revenue in this category was \$818,982, a decline of \$104,574 from the prior year. General District Court fines are down due to fewer summons being issued and a corresponding reduction in caseload. The category achieved only 94.73% of the budget.

Revenue from Use of Money and Property

This revenue category consists of interest earnings and various property rentals. Revenue in this category is \$1,044,469, down 12.15% since the prior year. The

State is billed for use of the Commonwealth Building monthly based on estimated operating and maintenance costs. In August of FY00, the State was billed for the amount that actual costs exceeded estimated costs, producing significantly higher revenue in FY00. No additional amounts were billed in FY01, causing a decline in rental revenue. The category achieved 92.85% of budget.

Grants-In-Aid Commonwealth

This category is comprised of non-categorical aid (state share of personal property tax, recordation tax, ABC, wine, rolling stock and rental car tax), shared expenses for Constitutional Offices, Social Services funding (foster care, day care, welfare payments, employment services, and the Comprehensive Services Act Programs), and other categorical aid (street maintenance, City Jail Block Grant, Law Enforcement and Library Grant). Revenues in this category totaled \$51,459,893, exceeding the FY00 total by \$2,236,181 or 4.54%. The increase in this revenue category is largely due to the increase in the percentage of funding provided by the Commonwealth for personal property tax, as discussed in previous paragraphs. Reimbursement received under the Comprehensive Services Act has declined as have the corresponding expenditures. Shared expenses of the Sheriff-s department grew by nearly \$256,000 due to an increased level of funding from the State Compensation Board. Growth of street maintenance and jail block grant revenues was partially offset by a decline in juvenile detention home block grant funding. Juveniles are now housed at the Roanoke Valley Detention Center, which is an independent commission.

Grants-in-Aid Federal Government

This category consists of funding from the Federal Emergency Management Association (FEMA). Revenue in this category was \$34,359 compared to \$34,308 for FY00.

Charges for Services

This category includes court fees, refuse collection, weed cutting, emergency medical service, police fees, fire safety fees, and central service charges. Collections totaled \$3,483,819, which reflects an increase of 2.78% from FY00. Central services charges have increased as have weed cutting and demolition charges. Weed cutting and demolitions revenues were down in FY00, compared

to historical performance.

Miscellaneous Revenue

Revenues included in this category are payments in lieu of taxes from Roanoke Redevelopment and Housing Authority, sales of surplus property, and other miscellaneous revenues. Revenue in this category was \$295,247, a decrease of .62% from FY00. Sales of surplus property have decreased almost \$30,000, while there have been increases in other miscellaneous revenues.

Internal Services

This category represents payments from Proprietary and Agency Funds for services provided by the General Fund departments. Services provided include fire safety for the Roanoke Regional Airport, billings and collections services for the Water and Sewage Treatment Funds, engineering services and various other public works services. The category totaled \$2,225,240, achieving 94.69% of the budget and exceeding last year's revenue by \$14,795. Fire safety billings and billings by the Office of Billings and Collections to the Water and Sewage Treatment Funds increased. These increases are partially offset by a decline in Engineering billings due to a reduction in work on several large projects of the enterprise funds. Building and grounds maintenance billings also declined.

Expenditures

Total expenditures and encumbrances for FY 2001 were \$188,827,499 which were \$3,851,286 or 2.00% less than City Council had authorized (See page 19). The authorized expenditure budget includes appropriations of CMERP funds during the year. General Fund expenditures and encumbrances are up 4.70% overall compared to last fiscal year.

General Government expenditures are up \$626,960 or 5.58%. Personal services costs of the City Manager's office have increased due to reorganization. Positions which were previously reported under other expenditure categories are now reported in the City Manager's office. Overall, the number of director positions has decreased from prior years. Department of Technology billings to the Office of Billings and Collections are up from prior years due to implementation of the new utility billing system. Personal services costs of the Department of Finance rose as did Department of Technology billings due to system development related to a new release of the accounting system.

Judicial Administration expenditures increased 21.62% or \$993,100. Juvenile and Domestic Relations Court Services costs to house children detained by the courts have increased from the prior year. Effective June 2000, children detained by the court were housed at the Roanoke Valley Detention Center instead of the City-operated detention home. Expenditures of the City-operated juvenile detention home were reported under the Public Safety category in prior years. Personal service expenditures of the Circuit Court have also increased due to additional law clerk positions in FY01.

Public Works expenditures are up 7.98% or \$1,802,140. Annual paving contract costs rose due to an increase in the number of lane miles of primary roads included in the contract. The cost of paving primary roads is more than the cost of paving secondary roads. Personal service costs of the Streets and Traffic department are up due to the transfer of positions from Parks and Recreation. Expenditures of the Solid Waste Management Division are higher than prior years due to increased tonnage of bulk garbage and brush handled by Roanoke Valley Resource Authority and the purchase of approximately 27,000 recycling containers.

Community Development expenditures rose 20.42% or \$685,507. This is largely due to across the board increases in the Planning and Code Enforcement Department related to its recent re-organization and the opening of a new office by the Department of Economic Development. Memberships and Affiliations expenditures were up due to an increase in contributions paid to Center in the Square.

Transfer to the School Fund increased 5.21%, consistent with the budgeted increase of 3.81% and the appropriation of \$511,648 of CMERP funds allocated to the schools.

Nondepartmental expenditures grew 20.90% or \$1,839,433. Transfers to the Capital Projects Fund increased due to transfers of funding for Greater Gainsboro property acquisition, infrastructure, and parking garage. Funds were also transferred for the HOPE VI project, the new police building, the stadium/amphitheater project and various other capital projects. Transfers to the

Department of Technology increased to fund priority technology projects and equipment needs.

The most anxiously awaited information at year end is the amount of designated funding for the Capital Maintenance and Equipment Replacement Program (CMERP). Council adopted Ordinance number 26292 on December 6, 1982, establishing a reserve of General Fund balance for CMERP. Computed per the requirements of Ordinance 26292, CMERP for fiscal year 2001 for Schools is \$814,204 and for the City is \$5,454,530 for a total of \$6,268,734 or 3.25% of General Fund appropriations. The following allocation has been calculated based on the Revenue Allocation Model used for the adopted budget (see page 12 for details).

General Fund Designated FY 2001 CMERP

| | | |
|--------------------------|-----------------|---------------------|
| | City Operations | \$ 5,454,530 |
| School Operations | <u>814,204</u> | |
| Total General Fund CMERP | | <u>\$ 6,268,734</u> |

School and School Food Services Funds

School Board operations are accounted for as a separate fund, as are School Food Services operations. The revenues included in this discussion do not include the multi-year grant funds, but only those that comprise the annual (adopted) budget. School and School Food Services Fund revenues totaled \$103,088,666, slightly below the estimate of \$103,670,402.

A recent history of School Fund revenue estimates compared to actual revenues follows.

SCHOOL FUND

Fiscal

| |
|-------------|
| <u>Year</u> |
|-------------|

| |
|------|
| 2001 |
|------|

2000

1999

1998

1997

The amounts shown for FY01 are **unaudited** and may change during the course of our external audit. They are being reported to you for informational and planning purposes.

School and School Food Services Funds Statement of Revenues

Shown on page 20 is a summary of the major categories of revenues and the specific variances between actual (unaudited) and estimated. Following are some brief comments on the variances in major revenue categories.

State Sales Tax

State sales tax totaled \$8,859,609, which was under its estimate of \$9,040,476 by \$180,867 or 2%. This revenue grew by 1.72% over last year. The decline in School sales tax revenue is consistent with performance of the City's sales tax.

Grants-In-Aid Commonwealth

This category includes Basic State Aid, Special Education, Summer Schools, Vocational Education, At-Risk Children, Fringe Benefit Reimbursement, Disparity

Incentive and several smaller revenue sources. Revenues in this category totaled \$41,605,369, which is slightly under the estimate of \$42,057,082. Basic state aid revenue, which increased 5.3% from the prior year, fell slightly below the budget. Foster Home Children and Special Education revenues exceeded the budget amount. The other major revenues in this category were generally close to the estimates.

Grants-In-Aid Federal Government

The largest revenue source in this category is School Food Aid, recorded in the School Food Services Fund. Total revenue collected in this category was \$2,890,436, a decrease of .17% from FY00.

Charges for Services

Major sources of revenue in this category are tuition, cafeteria receipts, and reimbursement for transportation for special trips. Revenues for the category totaled \$3,648,488, and were 3.45% over the estimate. Funding for special education, reimbursement for transportation for special trips, and rental of facilities have exceeded their estimates, providing positive variance. Cafeteria receipts, which remained consistent with the prior year, achieved 89.02% of the budget.

Transfers from General Fund

Local funding from the General Fund totaled \$46,084,764 and included the School share of local taxes. Funding from the General Fund increased \$2,283,403 since FY00 but fell short of the budgeted \$46,154,123 by \$69,359 due to a decrease in the transfer to cover additional school CSA costs.

Expenditures

Expenditures and encumbrances in the School and School Food Services Funds (excluding special purpose grants) totaled \$104,207,698, leaving an unobligated balance of \$1,221,895. It is important to note that the authorized expenditure budget includes appropriations from CMERP during the fiscal year. CMERP appropriations and budgeted revenue provide sufficient funding in total for expenditures and encumbrances during the year.

The School Board will receive a portion of the General Fund CMERP, per the requirements established in Ordinance No. 26292, and also retain the CMERP generated in the School Fund. This is consistent with the method of allocating CMERP between the City and School operations in prior years. General Fund CMERP allocated to the Schools is \$814,204. The amount of CMERP designated in the School Fund totals \$557,872 or 2.07% of School Fund Appropriations. Therefore, the total CMERP available to the Schools in both the General Fund and School Fund is \$1,372,076.

Designated CMERP for FY01

School Share of General Fund CMERP \$ 814,204

School Fund CMERP 557,872

Total School CMERP \$ 1,372,076

We would like to reiterate that the General, School and School Food Services Fund amounts discussed within this report are **unaudited** and subject to change during the course of our external audit. A comprehensive financial report of all funds of the City will be included with the annual financial report. We would also like to thank City Council, the administration, and especially the dedicated staff of the Department of Finance for their support throughout fiscal year 2001. We would be pleased to answer questions that Council may have.

Sincerely,

James D. Grisso
Director of Finance

JDG:s
Attachments

c: Darlene L. Burcham, City Manager
George C. Snead, Jr., Assistant City Manager
Rolanda A. Johnson, Assistant City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk

E. Wayne Harris, Superintendent, Roanoke City Schools
Richard L. Kelley, Assistant Superintendent for Operations
Barry L. Key, Manager, Department of Management and Budget
Alicia F. Stone, Administrator, Management and Budget

**REPORT WAS NOT
AVAILABLE**

**REPORT WAS NOT
AVAILABLE**

August 20, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William Carder, Vice-Mayor
The Honorable William Bestpitch, Council Member
The Honorable Nelson Harris, Council Member
The Honorable Alvin Hudson, Council Member
The Honorable William White, Council Member
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Sale of City Property on
Colonial Avenue to Carilion Health
Systems (CHS, Inc.)

Carilion Health Systems (CHS, Inc.) has offered to purchase 2.8 acres of city property located on Colonial Avenue, part Tax Map Parcel #1570101 for the purpose of establishing a medical clinic and / or medical office. The Roanoke City Planning Commission held a public hearing regarding the proposed rezoning of this parcel on August 16, 2001. The City recently had this 2.8-acre parcel appraised at \$365,000.

Recommendation:

Following the public hearing, authorize the City Manager to execute a real estate sale agreement between the City of Roanoke and Carilion Health Systems, Inc. for the City of Roanoke to sell to Carilion Health Systems, Inc. a tract of City-owned property containing 2.80 acres, more or less, and a 50 foot easement for a term of five years (identified as "New Parcel A" and "New Private Drive and Ingress/Egress Easement" respectively, on attached plat entitled "Preliminary Subdivision Map") in an amount of \$375,000.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:clw

Attachments

c: James D. Grisso, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Beth Neu, Director of Economic Development

CM01-00189

AGREEMENT FOR PURCHASE OF REAL PROPERTY

This Agreement for Purchase and Sale of Real Property ("Agreement"), is made this ___ day of _____, 2001, by and between the **CITY OF ROANOKE**, a Virginia municipal corporation ("Seller") and **CHS, Inc.**, a Virginia corporation ("Purchaser").

WHEREAS, Seller is the sole owner in fee simple of certain real property and improvements thereon located in the City of Roanoke, Virginia, described on the attached Exhibit 1.

WHEREAS, Seller is desirous of selling the said real property together with other property related thereto and Purchaser is desirous of purchasing said property.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) cash in hand paid by Purchaser to Seller, receipt of which is hereby acknowledged, and the mutual promises hereafter set forth and other good and valuable consideration, the receipt and sufficiency of which is also hereby acknowledged, the parties hereto, intending to be fully and legally bound, hereby agree as follows:

1. **DEFINITIONS**. As used in this Agreement unless the context otherwise requires or it is otherwise herein expressly provided, the following terms shall have the following meanings:

- A. "Deposit" shall mean Ten Thousand and 00/100 Dollars (\$10,000.00) cash paid to Seller.

- B. "Effective Date" shall mean the date of the last signature of a party hereto.

- C. "Property" shall mean the lot or parcel of land consisting of approximately 2.8 Acres and improvements thereon, as the same is described in Exhibit 1 attached hereto. The Property is also known as a portion of City Tax Map # 1570101 and includes any and all improvements thereon

The Property shall also include all of Seller's right, title and interest in and to the Improvements and modifications, additions, restorations, repairs and replacements thereof; and all right, title, and interest of the Seller in and to all inchoate rights, easements, and appurtenances.

- D. "Purchaser" shall mean CHS, Inc., a Virginia corporation, and its assignees, designees or nominees, with an address at: 213 South Jefferson Street, Suite 720, Roanoke,

Virginia 24011.

E. "Purchase Price" shall mean \$375,000.00.

F. "Seller" shall mean the City of Roanoke, Virginia with an address at: 364 Municipal Building, 215 Church Avenue, SW, Roanoke, Virginia 24011, with a copy of any notices sent to Seller sent to William Hackworth, City Attorney, 464 Municipal Building, 215 Church Avenue, SW, Roanoke, Virginia 24011.

G. "Settlement" and/or "Closing" shall mean the consummation of the sale and purchase provided for in this Agreement to occur as provided in Paragraphs 11 and 12 hereof.

2. PURCHASE AND SALE. The Seller agrees to sell and convey and the Purchaser agrees to purchase the Property upon the terms set forth hereinafter.

3. DEPOSIT, PURCHASE PRICE AND PAYMENT.

A. Purchaser will provide the Deposit in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00) The Deposit shall be returned to Purchaser if this Agreement terminates without a breach of this Agreement by Purchaser.

B. The Purchase Price shall be paid as follows:

(1) In addition to the Ten Thousand and 00/00 Dollars (\$10,000.00) representing the Deposit, the Purchaser shall pay Three Hundred sixty-five Thousand and 00/100 Dollars (\$365,000.00) in cash at Settlement less any appropriate closing cost attributable to Seller

4. PLANS, ENGINEERING, TITLE EXAMINATION AND OPERATIONAL RECORDS AND OTHER DOCUMENTS TO PURCHASER. In consideration of the execution of this Agreement, the Seller agrees to provide to the Purchaser, at no cost, immediately, but not later than five (5) days after the Effective Date, any surveys, development information, soil boring data, and other agreements affecting the Property, all title examination records and a copy of the title insurance policy, if any, now held by the Seller which relate to the Property as well as any other records relating to the Property including but not limited to true copies of all other records.

5. DEFAULT/TERMINATION.

A. In the event Purchaser fails or refuses to go to Settlement in compliance with the terms hereof, and the Seller has not defaulted hereunder, the Seller shall so notify Purchaser, in writing and within five (5) business days, the Deposit shall be paid

over to Seller as its sole remedy, as liquidated damages, and Purchaser shall forfeit its Deposit and neither party shall have any further obligations hereunder. The parties acknowledge that the Deposit represents a reasonable effort to ascertain the damages to Seller in the event of Purchaser default, which damages are difficult or impossible to quantify.

B. In the event Seller fails or refuses to go to Settlement or to perform its obligations in compliance with the terms hereof; Purchaser shall have all remedies available to it at law or in equity, including the right to specific performance. While all remedies shall be cumulative in no case shall monetary damages exceed \$10,000. No delay by Purchaser in pursuing any remedy or taking any action shall be construed as a waiver of any breach by Seller.

C. Purchaser shall have the right, until all contingencies set forth in Paragraph 9 below have been satisfied, to notify Seller of its election to terminate this Agreement and shall immediately be refunded the Deposit referred to herein and neither party shall have any further rights against the other arising out of this Agreement.

6. REPRESENTATIONS AND WARRANTIES OF SELLER. The Seller represents and warrants to the Purchaser as follows:

A. The title to the Property is, and at Settlement will be, marketable and good of record and in fact, free and clear of all liens, encumbrances or leases, except those (i) to be removed at or prior to Settlement; and (ii) agreed to prior to Settlement and which shall be permitted exceptions ("Permitted Exceptions"), which exceptions do not interfere with the Purchaser's intended use of the Property as a medical clinic and/or medical office. Title will otherwise be free of covenants, conditions, restrictions and will be insurable at standard title insurance company rates at the title company chosen by Purchaser. To the best of the knowledge of Seller, there are no title conditions adversely affecting title insurability. The Property is also sold "subject to" such state of facts as an accurate survey of the Property would disclose, provided that: (i) nothing contained therein would render title unmarketable or would prevent or interfere with the intended use of the Property and improvements thereon; (ii) no easements of

record are shown except an easement for a power line; (iii) there are no encroachments upon the Property; (iv) the Improvements on the Property do not encroach upon adjoining properties; and (v) the title company insuring Purchaser's title will agree to remove the "survey exception" from Purchaser's title policy upon receipt of a survey.

B. The Seller is the sole fee simple owner of the Property and has all necessary authority to sell the Property. There are no other contracts for sale or options involving the Property, and no other party has any right, title or interest in the Property. There are no leases affecting the Property except for a lease for the school building that expires September 1, 2001.

C. The Property is zoned Residential Single-Family District 2 (RS-2) as defined by the City of Roanoke Zoning Ordinance. There are no eminent domain or condemnation proceedings pending against the Property, and Seller has no knowledge of such proceedings or of any intentions or plans definite or tentative that such proceedings might be instituted.

D. There are no actions or suits in law or equity or proceedings by any governmental agency now or pending or, to the knowledge of Seller, threatened against Seller in connection with the Property. There is no outstanding order, writ, injunction or decree of any court or governmental agency affecting the Property.

E. There has not been made and will not be made, without the Purchaser's consent, any proffers or other commitments to any state, county, federal or local governmental or quasi-governmental authority, utility company, school board, church or other religious body, or any public or private organization or individual, relating to the Property, which would impose any obligation on Purchaser or its successors and assigns, after Settlement, to make any contribution of money or dedications of land or to construct, install or maintain any improvements of a public or private nature on or off the Property.

F. The execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, and the fulfillment of the terms hereof will not result in a breach of any of the terms or provisions of, or constitute a default under, or conflict with, any agreement, indenture, or other instrument to which Seller

is a party or by which it or the Property is bound, any judgment, decree, order, or award of any court, governmental body or arbitrator, or any law, rule, or regulation applicable to Seller.

G. To the best of Seller's knowledge: (i) none of the Property has been excavated (except for standard grading related to site development); (ii) no hazardous materials, toxic chemicals, or similar substances, as defined by 42 U.S.C. 1251, et seq. or 42 U.S.C. 6901, et seq. or 42 U.S.C. 9601, et seq., or 33 U.S.C. 1317(1), or 15 U.S.C. 2606(f), or 49 U.S.C. 1801 et seq., or regulations adopted pursuant thereto, or any similar provision of any applicable state, Federal, or local law (collectively "Hazardous Materials"), are or were stored or used on or under or otherwise were or are in existence or were in any way dealt with on or under the Property; and (iii) no owner or occupant of the Property has received any notice from any governmental agency with regard to such Hazardous Materials.

H. Seller knows of no materially adverse fact affecting or threatening to affect the Property, which has not been disclosed to Purchaser in writing.

I. Under penalty of law, Seller is not a "foreign person" as contemplated in Section 1445 of the Internal Revenue Code, as amended. Seller agrees to execute at Settlement an affidavit in the form required by the Internal Revenue Service to exempt Purchaser from any withholding requirements under Section 1445.

J. In the event any of the representations, warranties, additional undertakings of Seller in this Paragraph 6 and/or other responsibilities of the Seller, as set forth in this Agreement, are not accurate and cannot be or are not ratified or fulfilled prior to Settlement, then the Purchaser shall have the right at its sole option, to take any or none of the following actions: (i) waive the inaccurate, unratified or unfulfilled representation, warranty, additional undertakings and/or responsibility of Seller, and proceed with Settlement hereunder, provided, however, that such waiver shall be in writing, or (ii) terminate this Agreement, whereupon all rights and responsibilities hereunder shall be null and void, and neither party shall have any further obligation hereunder, other than the obligation of Escrow Agent to return the Deposit, or (iii) proceed to Settlement, and to offset an amount up to One

Hundred Thousand Dollars (\$100,000.00) to pay for such ratification or fulfillment against the amounts otherwise due to Seller under Paragraph 3. B. of this Agreement. Remedies of Purchaser under this Paragraph are in addition to the remedies of Purchaser under Paragraph 5. B. hereof and the rights of Purchaser under Paragraph 9. C. hereof.

7. REPRESENTATIONS AND WARRANTIES OF PURCHASER. The Purchaser represents and warrants to Seller that the Purchaser has the financial ability to purchase the Property.

8. ADDITIONAL UNDERTAKINGS OF THE PARTIES.

A. The Seller shall give to the Purchaser and their designated agents and representatives full access to the Property during normal business hours throughout the Study Period as defined in paragraph 9. B, including the right, at the Purchaser's own risk, cost and expense, to cause its agents or representatives to enter upon the Property for the purpose of making surveys or soil boring, engineering, water, sanitary and storm sewer, utilities, topographic and other similar tests, investigations or studies and to perform zoning and economic feasibility studies as the Purchaser may desire, provided, that the Purchaser, at its expense, restores the Property to its prior condition to the extent of any changes made by its agents or representatives in the event it does not purchase the Property. The Seller shall furnish to the Purchaser during such periods all information concerning the Property, which the Purchaser may reasonably, request and which is in the possession of Seller. Purchaser indemnifies and agrees to hold Seller harmless and defend the Seller from claims for damages to Seller or its agents caused by the actions of Purchaser or its agents in the course of conducting the studies described under this paragraph.

B. At Settlement, the Seller agrees to execute, acknowledge and deliver to the Purchaser a special warranty deed ("Deed") in proper form for recording, conveying the Property to the Purchaser free and clear of all conditions, restrictions, liens, encumbrances or agreements except for the Permitted Exceptions.

C. The Seller agrees to give possession and occupancy of the Property on the date of Settlement, free and clear of any and all leases or other rights.

D. As to any matter relating to title which is not a

Permitted Encumbrance ("Non-Permitted Encumbrance") Seller shall take all required actions to eliminate the Non-Permitted Encumbrance.

E. Seller agrees to deliver the following to the Purchaser at Settlement:

- (1) The fully executed Deed.
- (2) Any other documents reasonably required by title insurance company or Purchaser.

F. Purchaser agrees to develop the property in substantial conformance with the attached Development Plan attached hereto as Exhibit 2.

G. Purchaser agrees to develop the property in conformance with the following restrictions.

(1) Exterior lighting shall be directed downward on poles that shall not exceed fifteen feet in height.

(2) Dumpsters shall be screened from view with either fencing or landscaping.

(3) There will be one tree planted in or immediately adjacent to the parking lot for every five parking spaces.

(4) All utilities to be connected to any buildings constructed on the Property shall be underground.

(5) All HVAC units, if mounted on the roof, shall be screened by a pitched roof like structure or if placed on the ground, shall be screened with fencing or landscaping.

(6) Trees shall be planted along the lot lines adjacent and parallel to Colonial Ave and the new street depicted on the Development Plan. These trees are to be planted in the setback area every twenty-five feet.

(7) The roof on any building constructed on the Property shall have minimum pitch of 4/12

(8) There can be no more than two identification signs with a combined surface area of forty square feet.

9. CONDITIONS PRECEDENT (CONTINGENCIES) TO THE OBLIGATIONS OF PURCHASER TO SETTLE. The obligations of the Purchaser to settle upon the Property pursuant to the provisions of this

Agreement shall be subject to all of the following conditions:

A. The representations and warranties of the Seller set forth in this Agreement shall be true and correct on and as of the Settlement as though such representations and warranties were made on and as of such date. Notwithstanding that certain of Seller's representations and warranties may be limited to the extent of actual knowledge of the facts stated therein, it shall be a condition precedent to Purchaser's obligation to go to Settlement that the facts stated in all such representations and warranties shall be correct as of the time of Settlement.

B. Purchaser shall have _____ days from the Effective Date, or the date that all information and data and the copies of all documents to be provided hereunder are in fact provided to Purchaser by Seller, whichever occurs last, ("Study Period") to complete the studies described in Paragraph 8. A. Above and to determine in its sole discretion that the condition of the Property is satisfactory for the intended use of Purchaser. In the event that the Purchaser is not so satisfied for any reason whatsoever, at any time prior to the expiration of the Study Period and Purchaser has advised the Seller in writing of its intention not to proceed to Settlement under the terms of this Agreement, then, in such event, this Agreement shall automatically be deemed to be terminated, the Deposit shall be returned other than the Permitted Exceptions, all at the cost of the Purchaser. Should a Non-Permitted Encumbrance be discovered and Seller advised in writing prior to Settlement then Purchaser, at its sole discretion, may take any action authorized by paragraph 6.J. hereof. In addition, the time for Settlement may be extended, at Purchaser's option, for a period to be specified by Purchaser not to exceed sixty (60) days from the date of notice by Purchaser to Seller of a Non-Permitted Encumbrance, in order to allow Seller to remove the Non-Permitted Encumbrance. If it cannot be removed within that time period, then Purchaser may take any action authorized by paragraph 6. K. hereof.

C. This contract is subject to Seller having property rezoned Office District (C-1) or other zones suitable for Purchaser's intended use. Should the Roanoke City Planning Commission not recommend said rezoning at its August 2001 meeting or Roanoke City Council not grant final approval at it's

_____ 2001 meeting subject only to a ten (10) day waiting period which shall expire on _____ 2001, the City of Roanoke will promptly refund the deposit in full to Purchaser and this Agreement shall thereupon be null and void and of no further force and effect.

D. The persons executing this contract have been authorized to do so by the party they represent.

E. Purchaser agrees to design and construct a private driveway across Seller's property providing ingress and egress to the Property as shown in the Design Plan attached to this Contract as Exhibit 2. Purchaser further agrees that it will be solely and exclusively responsible for all costs associated with the design, construction and maintenance of this driveway. Seller hereby agrees to provide Purchaser with a permanent easement and a temporary construction easement for purposes of construction, maintenance and use of the driveway. Purchaser and Seller agree that should Seller develop the area surrounding the Property, Seller may further develop the driveway to provide ingress and egress to the developed area as shown on the Design Plan. Both parties agree that Purchaser would not be responsible for the costs associated with further developing the driveway, and in such event the driveway would become a public street.

F. Seller shall have discharged all obligations required of it under this Agreement and shall have provided all documents and other items required to be provided pursuant to paragraph 8.

E.

10. SETTLEMENT. The Settlement shall be held at the offices selected by the Purchaser on a date which is no later than thirty (30) days after the contingencies contained in paragraph 9 are met or satisfied in their entirety, or at an earlier date at the option of Purchaser. Notwithstanding the foregoing Settlement shall occur not later than August 30, 2001 **TIME IS OF THE ESSENCE TO THIS AGREEMENT.**
11. TENDER OF SETTLEMENT. The delivery to the Seller by the Purchaser of the Purchase Price, and by Seller to the Purchaser of, the executed Deed together with all other documents and instruments required to be delivered by either party to the other by the terms of this Agreement shall be deemed to be a good and sufficient tender of performance of the terms hereof.

12. SETTLEMENT OBLIGATIONS OF THE PARTIES. The cost of title examination and state and county taxes payable in connection with the recording of the deed and deed of trust shall be paid by Purchaser. Other settlement costs shall be charged as is customary in Virginia. Each shall pay fees charged to them and as agreed upon by them with their attorney. Real estate taxes, utilities and property owners' association fees, and lease payments will be prorated as of the Settlement. At Settlement, Seller shall satisfy all deeds of trust or similar liens to which the Property is subject or shall make provision satisfactory to Purchaser for full and complete satisfaction.
13. RISK OF LOSS AND CONDEMNATION. Risk of loss shall be born by Seller prior to Settlement. However, in the event of any damage to the Property prior to Settlement, the Purchaser shall have the election to close as required hereunder without diminution in the Purchase Price and with the assignment by Seller of all its interest in payments for damage to the Property. In the event of a condemnation of any part of the Property prior to Settlement, the Purchaser shall have the option in its sole discretion to terminate this Agreement or to proceed to Settlement with any condemnation award paid or credited to Purchaser at Settlement.
14. LIMITATION ON LEASES AND OTHER CONTRACTS. Between the date of this Agreement and the Settlement, Seller shall not, without Purchaser's prior written consent, grant an oral or written lease or other agreement to any party for any purpose relating to any portion of the Property.
15. ENTIRE AGREEMENT. The Recitals and Exhibits and documents referred to therein are hereby incorporated into this Agreement. No change or modification of this Agreement shall be valid unless the same is in writing and signed by the parties hereto. No waiver of any of the provisions of this Agreement or other agreements referred to herein shall be valid unless in writing and signed by the party against whom it is sought to be enforced. This Agreement contains the entire agreement between the parties relating to the purchase and sale of the Property, and all prior negotiations between the parties are merged in this Agreement, and there are no promises, agreements, conditions, undertakings, warranties, or representations, oral or written, expressed or implied, between them other than as herein set forth.
16. BURDEN AND BENEFIT. All terms of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective

- legal representatives, successors and assigns.
17. GOVERNING LAW. Notwithstanding the place where this Agreement may be executed by any of the parties hereto, the parties expressly agree that all terms and provisions hereof shall be construed and enforced in accordance with the laws of the Commonwealth of Virginia as now adopted or as may be hereafter amended.
 18. NOTICES. All notices, requests, demands or other communications hereunder shall be in writing and shall be effective when delivered personally or three (3) business days after mailing if sent by U.S. registered or certified mail, return receipt requested, and postage prepaid, addressed as first set forth above or to such other address as may be given by any party to the other party by notice in writing. Copies of notices are provided as a courtesy and are not themselves notice and notice hereunder shall be accomplished with or without the forwarding of such copies.
 19. HEADINGS. The captions and headings herein are for convenience and reference only and in no way define or limit the scope or content of this Agreement or in any way affect its provisions.
 20. ASSIGNMENT. This Agreement may be assigned at the option of Purchaser to any entity which is controlled by the Purchaser and which is subject to the payment of real estate. Otherwise, Purchaser may assign this Agreement upon written notice to Seller.
 21. COUNTERPART ORIGINALS. This Agreement may be executed in two or more counterpart originals all of which counterparts shall have the same force and effect as if all the parties hereto had executed a single original of this Agreement.
 22. ADVICE OF COUNSEL AND CONSTRUCTION. All parties to this Agreement have been represented by counsel or have had the opportunity to be so represented. Accordingly, the rule of construction of contract language against the drafting party is hereby waived by both parties.
 23. SURVIVAL. The representations, warranties, covenants, agreements and indemnities set forth in this Agreement shall survive the Settlement under this Agreement and the execution and delivery of any deed shall not be merged therein.
 24. OBLIGATION OF SELLER. The obligations of Seller under this Agreement are joint and several.
 25. BROKERAGE. Each party warrants and represents to the other that no real estate broker or agent has been involved in negotiations leading to the execution of this Agreement and that no commission is owed to any

broker or agent as a result of the action of such party. Each party agrees to hold the other harmless from any loss, cost or charge (including reasonable attorneys' fees), arising from the assertion by any broker or agent that any fee or commission is owed because of the acts or agreement of such party.

26. OFFER AND ACCEPTANCE. The presentation of an executed counterpart of this Agreement to Seller by Purchaser constitutes an offer by Purchaser which may be accepted if Seller executes and returns a counterpart original to Purchaser two (2) days after authorization of such of sale by Roanoke City Council becomes effective.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

DATE: _____, 2001

PURCHASER:

CHS, Inc.

B Y :

TITLE: _____

DATE: _____, 2001

SELLER:

CITY OF ROANOKE

B Y :

TITLE: _____

State of Virginia

City/County of _____

Subscribed and sworn before me this ____ day of _____, 2001, by

_____.

(Seal)

Notary Public
My Commission Expires:

State of Virginia

City/County of _____

Subscribed and sworn before me this ____ day of _____, 2001, by

_____.

(Seal)

Notary Public
My Commission Expires:

List of Exhibits

Exhibit 1 - Description of Real Property

EXHIBIT 1

DESCRIPTION OF REAL PROPERTY

NEW PARCEL A PROPERTY OF ROANOKE WATER WORKS COMPANY PORTION OF CITY OF ROANOKE TAX PARCEL 1570101

BEGINNING at a point on the northerly side of Colonial Avenue, S.W. (VA Rte. 720), said point being the southerly boundary corner of property of Richard P. Wimberley, Dennis R. West, and Michael D. Sassard, as recorded in the Clerk's office of the Circuit Court of the City of Roanoke, Virginia in Deed Book 1535, Page 211, and as shown as boundary corner number 9 on a "Preliminary Subdivision Map from Records for Carilion Health System" by Caldwell White Associates, dated June 15, 2001, said point being further described as boundary corner number 4 as shown on a Plat of Survey and Subdivision for W.H. Masterson and Hazel L. Masterson, prepared by C.B. Malcolm & Son, dated March 15, 1955, and recorded in the aforementioned Clerk's Office in Deed Book 950, Page 335; thence with the northerly right of way of Colonial Avenue, said right of way line being the southeastern limits of the property of Roanoke Water Works Company, Deed Book 240, Page 334, S 28°07'27" W, 303.66' to a point; thence leaving Colonial Avenue, and with a new line through the property of Roanoke Water Works Company N 52°58'00" W, 407.25' to a point; thence with another new line through the property of Roanoke Water Works Company N 28°07'27" E, 303.66' to a point at the northwesterly corner of the property of Wimberly, West, and Sassard, said point being further described as boundary corner number 3 as shown on the aforementioned Malcolm plat for Masterson; thence with the property of Wimberly, West, and Sassard S52°58'00"E, 407.25' to the POINT OF BEGINNING, and containing 2.80 acres.

This description is based upon said Preliminary Subdivision Map from Records for Carilion Health System, and is not based on a current field survey by Caldwell White Associates.

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council

Subject: Request from Lee Hi Land Group, represented by Bob Coptly, Managing Partner, that conditions on property located on the north side of Orange Avenue, one-quarter mile east of Granby Street, N.E., designated as Official Tax No. 7140114, and approved under Ordinance No. 33516-080497, be amended.

Planning Commission Action:

On June 21, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 7-0, the Planning Commission recommended approval of the proposed amendment of proffered conditions.

Background:

The property is a vacant lot in the 3000 block of Orange Avenue (Route 460) between Granby Street and Seibel Drive. In 1997, the property was rezoned from LM to

C-2, with the following proffered conditions:

1. That the property will be developed in substantial conformity with the development plan.
2. That the property will not be used for neighborhood or highway convenience store, a fast-food restaurant or outdoor advertising.

A petition to amend the conditions of the rezoning was filed on February 1, 2001. A second amended petition was filed on April 11, 2001. The second amended petition proffers the following conditions:

1. That the property will not be used for a neighborhood or highway convenience store, a fast-food restaurant, or outdoor advertising.
2. A maximum of one entrance off of Route 460.

A Third Amended Petition was filed on July 10, 2001, to clarify the street extension of Granby Street, N.E. None of the conditions proffered in the Second Amended Petition changed.

The surrounding land uses are commercial and industrial in nature. To the west, there is a restaurant and a motel. To the north is an auto salvage business. On the west is a tractor/equipment dealer. Across Orange Avenue is Hickory Woods, an apartment complex. The zoning of the adjacent parcels is LM. Across Orange Avenue, the zoning is a mixture of RM-2, C-2, and LM.

Staff received one call from an adjoining property owner (Wayne Gould of Gravely Sales) who wanted information about how the site would be developed. Staff advised that the petitioner did not provide a plan for development. Staff made arrangements for the petitioner to contact Mr. Gould to discuss plans for the property.

At the Planning Commission public hearing on June 21, 2001, Mr. Robert Coptly presented his request to the Commission. Mr. Chris Chittum gave the staff report and recommended approval of the amendment of the proffered conditions. There was no one present in the audience who was either opposed to or in favor of the request.

Considerations:

The major constraint of the site is its topography. Roughly 175' back from the road, there is a steep upward slope, making the back third of the lot unusable. The reasoning behind the 1997 rezoning was that the usable portion of site is too small to support most industrial uses and the site is thus more appropriate for a commercial use.

A plan that specified the location of a 19,000 square foot building and associated parking areas was proffered as part of the 1997 rezoning.

However, the site was not developed and is currently vacant. Elimination of the development plan proffer will provide more flexibility in developing the site.

The zoning ordinance strongly encourages limits on the number of entrances on arterial roads. The petitioner has responded to this concern by proffering the condition that access to the property will be limited to one entrance.

Inappropriate commercial uses are addressed by retaining the proffered condition that the property will not be used for neighborhood or highway convenience store, a fast-food restaurant or outdoor advertising.

Ken King, City Traffic Engineer, commented that the existing drive location should be adjusted slightly. The existing drive runs through the adjacent property. A new entrance may be constructed when the property is developed. Mr. King also noted that the deceleration lane might need to be extended, depending on the use of the property. These issues will be addressed administratively during development review.

Recommendation:

Planning Commission recommends that Council approve the request to amend the proffered conditions. The amended conditions address inappropriate uses of the site as well as limiting the number of curb cuts to one.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

CC:mpf

cc: Darlene Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community
Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Bob Copt, Petitioner

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Larry Bly and W. Martin Hall, represented by Eric Roland Spencer, that property located at 322 Bullitt Avenue, S.E., Official Tax No. 4013516, be rezoned from LM, Light Manufacturing, to C-1, Office District.

Planning Commission Action:

On July 19, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 5-0 (Messrs. Campbell, Chrisman, Dowe, Manetta and Rife voting for the petition and Messrs. Butler and Hill absent), the Planning Commission recommended approval of the proposed rezoning.

Background:

Petition to rezone property from LM, Light Manufacturing, to C-1, Office District, was filed on June 7, 2001. The request is unconditional with no proffers. The petitioner proposes to rezone the property to use the existing residential structure for an office and apartment unit. The property has an accessory structure in the rear, but no use of the accessory structure is proposed.

The subject property is in the 300 block of Bullitt Avenue immediately adjacent to I-581. The area along I-581 is zoned LM. Zoning on the other side of I-

581 is C-3. To the east of 4th Street, the zoning is RM-2. Surrounding land uses are the paint store to the south, residential uses to the north, and an auto painting garage to the east.

In a letter dated June 16, 2001, the Historic Belmont Preservation Association indicated its support for the rezoning. In addition, the association requested that the garage be retained, adequate parking be provided, and the remodeling is up to applicable building codes. The Southeast Action Forum is reviewing the request, but has not indicated a position.

Planning Commission considered the request at public hearing on July 19, 2001. Mr. Eric R. Spencer, attorney, presented the request on behalf of the petitioner. Mr. Chris Chittum, City Planner, gave the staff report, noting that the request was consistent with the current Comprehensive Plan and stating that staff recommended approval of the rezoning request. Mrs. Lander also advised the Commission that within the draft neighborhood plan for the southeast area, this area was recommended for zoning changes and that C-1 zoning would be compatible. The Commission discussed the request and the concerns mentioned by the Historic Belmont Preservation Association, in their letter dated June 16, 2001, were also addressed by the applicant and City staff. There was no one present to speak in favor of or in opposition to the rezoning request.

Considerations:

The proposed land use is appropriate as it will use an existing residential structure and will be compatible with surrounding land uses. The I-73 route recommended by the Commonwealth Transportation Board on May 17, 2001, may include this property. However, the time line and exact path of the road project is indefinite. Significant investment in new industrial development in this location should be discouraged.

This request is consistent with the 1985 Comprehensive Plan recommendations. The plan recommends that priority given to maintenance and rehabilitation of sound, usable structures rather than demolition. Furthermore, the plan encourages a variety of housing choice in existing neighborhoods through a balance of preservation, rehabilitation and new development. The draft Belmont-Fallon neighborhood plan (not adopted) recommends that some areas of the neighborhood near downtown be zoned to permit for mixed office and residential uses to encourage preservation and rehabilitation of existing structures.

The petitioner has indicated intent to retain the garage structure. Zoning regulations will require that adequate parking provided. The structure must meet applicable building codes before a certificate of occupancy is issued.

Recommendation:

Planning Commission recommends that City Council approve the request for rezoning to C-1, Office District, with no proffered conditions.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

CC:mpf

attachment

cc: Darlene Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community
Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Eric Roland Spencer, Attorney for the Petitioner

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Kayser Properties, LLC that a portion of Old Thirlane Road, N.W., bounded on the west by I-581 and the east by property bearing Official Tax No. 5420106, be permanently vacated, discontinued and closed .

Planning Commission Action:

On July 19, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 5-0 (Messrs. Campbell, Chrisman, Dowe, Manetta and Rife voting for the petition and Messrs. Butler and Hill absent), the Planning Commission recommended approval of the proposed closure.

Background:

The petitioner has requested that a portion of Old Thirlane Road, NW, be closed so that it may be used as an access road for a corporate office and manufacturing development on Official Tax Map Number 6520106. Old Thirlane Road, or Old Route 626, was annexed by the City from Roanoke County. The right-of-way has two designated ingress and egress points with access to Thirlane Road from the northeast and the southeast of the right-of-way. However, it is presently only paved and accessible on the northern side.

The southern portion is undeveloped and covered with foliage. The petitioner requests that the southern portion be closed.

Mr. Jon Hager, Kayser Properties, presented the request on behalf of the petitioner. Frederick Gusler, City Planner, presented the staff report and stated that staff was recommending approval of the closure of the southern portion of Old Thirlane Road, N.W. There was no one present in the audience to speak for or against the proposal.

Considerations:

Thirlane Road and the northern branch of the right-of-way demarcate the zoning in this area. The northwest side of the right-of-way and the western side of Thirlane Road is zoned RA, Residential Agricultural. However, one parcel in this RA district, Tax Map Number 6520105, has been rezoned for the development of an office complex. The southeast portion of the right-of-way and the eastern side of Thirlane Road are zoned LM, Light Manufacturing.

Three properties are adjacent to the right-of-way. These are Official Tax Map Numbers 6520101, 6520105, and 6520106. At present all three of these parcels are vacant. Official Tax Map Number 6520105 has been cleared for development of an office complex. As previously noted, 6520106 is owned by the petitioner, who plans to develop a corporate office and manufacturing complex for high technology companies. Official Tax Map Number 6520101 abuts the portion (southern) of the right-of-way that the petitioner requests closure of.

The petitioner wishes to use the portion of the right-of-way as an access road for a corporate office and manufacturing development on Official Tax Map Number 6520106. The petitioner originally requested that the entire right-of-way be vacated, but after discussions with others has modified the request to only close a portion thereof. Staff has received a metes and bounds description for the portion to be vacated and an amended petition has been filed.

American Electric Power (AEP) has facilities located at the right-of-way. Verizon has an existing telephone plant located adjacent to and crossing the street, from which it maintains an active telephone cable for customers in the area.

Staff received a letter from Jeff Draper of Verizon, which stated that the latter is not opposed to the petitioner's request. However, Mr. Draper also requested that any telephone plants in the closure area be grand fathered if

the right-of-way were to be closed, so as to maintain access to the plant. The City Engineer also submitted comments to Staff in support of the closure, but also requested that the City reserve the right to use the property vacated for utility purposes.

Interstate 581 adjoins the right-of-way to the west. After discussions with the Virginia Department of Transportation (VDOT), the Director of Public Works determined that the right-of-way is unlikely to be affected by future I-581 improvements related to I-73.

Staff received comments from Bob Crawford and Jack Burrows of Crawford Development Company, owner of an adjoining property on Thirlane Road, Official Tax Map Number 6520105, in opposition to the petitioner's request, citing difficulties with traffic flow, access and frontage appearance that vacating the entire right-of-way would cause for their development, which includes a curb cut off the northern portion of the right-of-way to provide ingress and egress. Staff also received a subsequent letter from Crawford Development Company in which Mr. Crawford stated concerns with truck traffic and buffering between the two developments.

Recommendation:

Planning Commission recommends that City Council approve the partial closure of Old Thirlane Road, N.W. The portion is undeveloped and has little future value to serve the City's interests.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

Attachments

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community
Development
William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney
Jon Hager, Petitioner

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Newbern Properties, LP, represented by Jess Newbern, that property located at the terminus of Tuckawana Circle, N.W., containing approximately 1.67 acres, and designated as Official Tax No. 6472003, be rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action:

On July 19, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 5-0 (Messrs. Campbell, Chrisman, Dowe, Manetta and Rife voting for the petition and Messrs. Butler and Hill absent), the Planning Commission recommended approval of the proposed rezoning, as proffered.

Background:

Newbern Properties, LP, is the owner of a tract of land containing approximately 1.67 acres at the terminus of Tuckawana Circle, N.W. On June 7, 2001, Newbern Properties filed a petition to rezone the tract from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District. A 1st amended petition to rezone was filed on July 20, 2001, with the following condition:

1. No part of the property shall be used for outdoor advertising, mini-warehouses or tractor trailer depots and repair facilities.

The property and its immediate surroundings are not served by any formal neighborhood or civic organization. The City has notified each adjoining property owner by letter. To date, staff has not received communication from any of the adjoining property owners or residents.

Planning Commission held a public hearing on the matter on July 19, 2001. Mr. Ray Craighead presented the request on behalf of the petitioner. The staff report by given by Neil Holthouser, City Planner. Mr. Holthouser said that staff was recommending approval of the request subject to the parcel in question having the same condition attached to it that an adjacent parcel contained. The Commission and Mr. Craighead discussed the request and Mr. Craighead said that he would submit an amended petition containing the condition that no part of the property would be used for outdoor advertising, mini-warehouses, or tractor trailer depots or facilities. There was no one present in the audience to speak in favor of or in opposition to the request.

Considerations:

The subject property is located in a cul-de-sac at the terminus of Tuckawana Circle, N.W., and is currently zoned RM-2, Residential Multifamily, Medium Density District. The property is bounded by RM-2 and LM, Light Manufacturing districts. Adjoining land uses include a multifamily apartment complex, new townhouses, Countryside Golf Course, and the Virginia Trane office and distribution facility.

The subject property is currently owned by Newbern Properties, LP. The petitioner intends to form a partnership with Commonwealth Development Group, which owns property immediately east of the subject property, to develop a 22,000-square-foot distribution warehouse for Virginia Trane. If successful in this rezoning request, the subject property will be combined with

the adjoining parcel, designated as Official Tax No. 647204, to create a new tract containing approximately 3.5 acres and will contain the following condition: *“No part of the property shall be used for outdoor advertising, mini-warehouses, or tractor trailer depots and repair facilities.”*

Utilities are available to adequately serve the proposed development. Storm water management will be required to be handled on site in accordance with city development regulations.

The subject property is visible from Interstate 581, with vehicular access along Frontage Road between Peters Creek Road and Hershberger Road. The property is also accessible from Ferncliff Road, which is the primary access road for William Fleming High School. Large truck access along Frontage Road may present some problems due to the tight turn radius at Ordway Drive and heavy traffic along Peters Creek Road. Alternate routing for large trucks is available off of Hershberger Road using Ferncliff Avenue; however, use of this route presents some problems for residents and school traffic along Ferncliff Avenue. In addition, the City Traffic Engineer recommends that Tuckawana Circle be improved to handle increased traffic and large trucks.

The subject property is not located within any designated Airport Zones. However, the property's close proximity to the airport's east-west flight path presents some noise problems. Staff believes that the noise associated with the airport, as well as noise associated with I-581, makes industrial development of this property more appropriate than residential.

The City's Comprehensive Plan identifies the area for potential industrial development. The Plan recommends that new industrial development be located on appropriate sites, and that development of potential industrial sites with non-industrial uses be discouraged.

Recommendation:

Planning Commission recommends approval of the request to rezone the subject properties from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner.

Respectfully submitted,

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

Attachments

cc: Darlene Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Jess Newbern, Petitioner

August 20, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: City Code Amendment
Cattle, Sheep,

Goats & Swine

Background:

Section 6-7 of the City Code permits the keeping of cattle, sheep, goats, or swine in areas zoned for agricultural use when pens are at least 300 feet from residential property lines or on farms that are a minimum of five acres in size. In addition, the code allows a person to keep one sheep or goat as a household pet in residential areas.

Recently, residents of Old Southwest reported problems with a goat and complained that the conditions were poor and the smell was a nuisance. A petition was submitted to the City Manager on July 9, 2001 complaining about the noise, smell, and flies in the city neighborhood and requested that the outdated ordinance be revised. In the interim, the property owner has been cited by an Animal Control Officer, was convicted in court of a public nuisance, and fined.

Revisions to the existing code are proposed which will prohibit the keeping of sheep or goats in residential areas, unless on a farm or at least five acres, or

unless for less than 24 hours in connection with certain commercial purposes and conditions.

Concern:

A small number of other goats are kept within the City in residential areas. The Animal Control Office advises that they are aware of at least seven other goats in the northwest portion of the city. Owners of these goats and sheep have been notified of the proposed changes in the code and advised that they will need to move the animal to an authorized location once adopted and in effect. Representatives of the Roanoke Neighborhood Partnership and the Animal Control Office visited property owners the week of August 3, 2001 and provided them with copies of the proposed ordinance.

Recommendation:

It is recommended that City Council amend the code to prohibit goats and sheep as household pets in areas not zoned for agricultural use.

Respectfully submitted,

Darlene L. Burcham
City Manager

c: Mary F. Parker, City Clerk
William Hackworth, City Attorney
Jim Grisso, Director of Finance
Garvis Reynolds, President, Gateway Guardians

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining ' 6-7, Limitation on keeping cattle, sheep, goats and swine, of Article I, In General, of Chapter 6, Animals and Fowl, of the Code of the City of Roanoke (1979), as amended, to prohibit the keeping of any cattle, swine, sheep or goat in any area of the City not zoned for agricultural use; dispensing with the second reading of this ordinance by title; and providing for an effective date.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 6-7, Limitation on keeping cattle, sheep, goats and swine, of Article I, In General, of Chapter 6, Animals and Fowl, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Sec. 6-7. Limitation on keeping cattle, sheep, goats and swine.

No person shall keep or maintain any cattle, swine, sheep or goat, in any area of the city not zoned for agricultural use; provided, however, cattle, sheep, goats or swine may be kept in enclosed, clean and sanitary lots or pens for not more than twenty-four (24) hours for the purpose of shipment, slaughter, or sale, when such lots or pens are not closer than three hundred (300) feet to any house or other building used for residential purposes, and cattle, sheep, goats or swine may be kept or maintained on farms five (5) acres in size or larger, regardless of zoning. As used in this section, a "farm" shall be defined as a parcel of land devoted to production for sale of plants or animals or to the production for sale of plant or animal products useful to man.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

3. This ordinance shall take effect October 1, 2001.

ATTEST:

City Clerk.